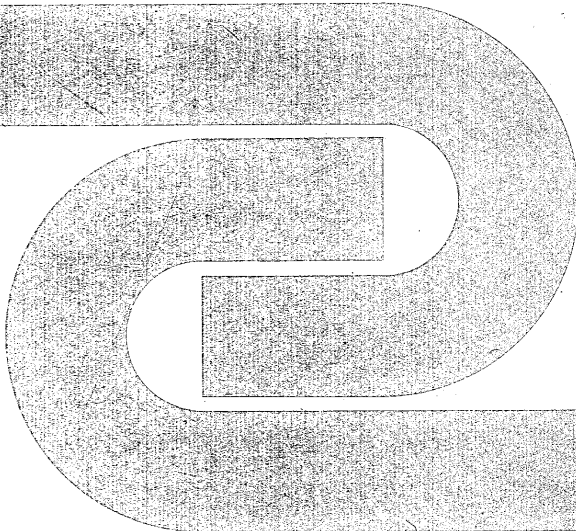


ECONOMIC AND SOCIAL COMMITTEE
OF THE EUROPEAN COMMUNITIES

General Secretariat

**THE RIGHT OF INITIATIVE
OF
THE ECONOMIC
AND SOCIAL COMMITTEE
OF THE EUROPEAN
COMMUNITIES**

2nd edition

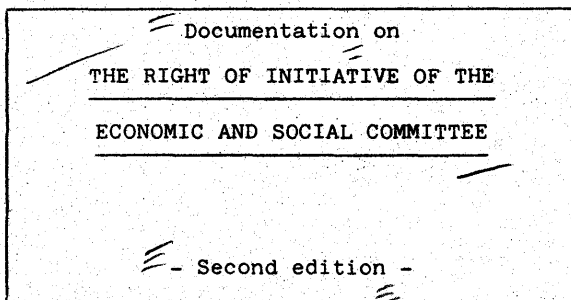


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ECONOMIC AND SOCIAL COMMITTEE
OF THE EUROPEAN COMMUNITIES

General Secretariat

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Background	:	Pages	1 to 46
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THE RIGHT OF INITIATIVE OF THE
ECONOMIC AND SOCIAL COMMITTEE

PREFACE

This document has been drawn up by the ESC General Secretariat (Studies and Research Division) on its sole responsibility.

The aim is to inform members of the ESC and its constituent bodies on all important aspects of the introduction and use of the right of initiative. This document is also intended for the Community institutions and persons interested in the activities of the European Communities, economic and social interest groups at Community and national level, national administrations, universities and the public at large.

The document is of course not binding upon the ESC as a whole, its constituent bodies or the Groups.

FOREWORD

THE ECONOMIC AND SOCIAL COMMITTEE AND THE RIGHT OF INITIATIVE

In June 1974 the Council of the European Communities approved the addition of a provision to the ESC's Rules of Procedures (1), granting the Committee the right to deliver Opinions on its own initiative on all matters relating to the work of the Community. The Council took its decision in the light of the recommendation made at the meeting of the Heads of State or of Government of the Member States in October 1972.

This important innovation marked the end of a long period during which the ESC had been continuously reviewing its role and endeavouring to overcome a number of shortcomings in the Treaties.

After seven years' use of the right of initiative, it is clearly too early yet to draw any definite conclusions. We do, however, think that it would be a useful exercise to examine the lessons which have been learnt, now that fresh impetus has been given to studies on the role of the Community institutions, following the election of the European Parliament by universal suffrage.

The information gathered for the background and descriptive sections of this document has come, for the most part, from the ESC's archives. Reference has also been made to the many statements made by members of the ESC, the ESC's Bureau, Groups, Sections and, in particular, the ESC Chairmen.

(1) Fourth paragraph of Article 20 of the ESC's Rules of Procedure.

We have also drawn upon certain studies, especially the work of the former Secretary-General, Mr. Jacques GENTON.

The present document presents enough information to facilitate an assessment of the ESC's consultative role in the institutional framework of the Community.

This second edition seeks to depict the many aspects of the ESC's work against the background both of the dynamic development of the Community institutions and of Community law in general, and to draw up a provisional balance sheet of the possibilities offered to the ESC by the right of initiative and what has already been achieved in the relatively short period of seven years. A survey according to subject of the own-initiative Opinions delivered so far will show the reader how the right of initiative has in fact been used.

No comments are, however made on topical issues which are still a source of controversy within the ESC.

We nevertheless hope that those who read this document will find food for thought which will enable them to put forward constructive proposals for making the ESC still more effective and for ensuring that it reaches a wider public and has a growing influence.

Roger LOUET
Secretary-General

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INTRODUCTION

A. The Right of Initiative of Consultative Bodies in the Six-Founder-Members of the European Communities (1955-1958)

The existence of organized social and economic interest groups in the six founder-members of the European Communities had many practical effects.

Employers' and workers' organizations were active in the field of collective bargaining, where they had a large measure of autonomy, and also sought to influence the decisions of the public authorities (1).

The organized endeavours of social and economic interest groups to influence the executive and the legislature had led in the majority of the Member States, with the exception of the Federal Republic of Germany, to the establishment of economic and social consultative councils. These councils were important assemblies : they brought together representatives of both individual and groups of trade organizations and served as the mouthpiece for these bodies.

One of the main points to note with regard to the work of these councils was that when the negotiations for the establishment of the European Communities were being held, between 1955 and 1958, they were already empowered either under the Constitution or by law, to put forward their views on their own initiative. They were not only entitled to choose the field in which to give their views but also to determine the timing (2).

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- (1) See Jacques GENTON "Representation and influence of economic agents in the European Community", pages 2-4. Address given in French on 16-18 November 1965 to the Institute for European Studies of the Université Libre de Bruxelles, Belgium.
 - (2) For detailed information on this subject see the document issued by the ESC in December 1976 entitled "Economic and Social Consultative Councils in the Member States of the European Communities and the Economic and Social Committee" (R/CES 124/77); the right of initiative granted to the various economic and social consultative councils is described in detail in the abovementioned document (Belgium - page 5 and page 16; France - page 28; Italy - page 58; Luxembourg - page 73; Netherlands - page 87).

The economic and other interest groups were therefore able to keep the authorities informed of the main problems facing their organizations and their members and they were able to point out in good time the type of measures which they wanted the authorities to take.

It therefore became customary for the representatives of large economic and social organizations to make known their points of view to the authorities in order that they could be taken into account.

The involvement of economic and other interest groups in the decision-making process of the abovementioned five Member States at this time was responsible for the achievement of progress towards economic and social democracy.

B. The Attempts to make Provision for the Right of Initiative when Drafting the EEC and EAEC Treaties (1955-1957)

Not surprisingly, the subject of the involvement of economic and social interest groups in the legislative process of the Communities was raised on many occasions during the negotiations prior to the establishment of the European Economic Community and the European Atomic Energy Community.

The aim was to create a balance between the power of (a) Community institutions and (b) social and economic interest groups, whose function was to safeguard the interest of individual sections of the population. This balance was achieved by introducing a system under which economic power was subordinate to political power. There was also a need to make arrangements for the joint representation of various trade and occupational groups in order that they could hold joint discussions on given subjects (1).

On 27 December 1956 the question of the involvement of economic and social interest groups in the working of the Communities through the medium of a consultative committee (2) was first raised by the Chairman of the Committee of the "Heads of Delegations" (3).

(1) See Jacques GENTON, extract from the FIABCI Bulletin of September 1965 (Selected Documents and Articles of the ESC, No. 32/1965).

(2) See S. NERI and H. SPERL on the EAEC Treaty in "Preparatory Work and Interpretations by the Six Governments, Parliamentary Documents" (in French) issued by the Court of Justice of the European Communities, Luxembourg, 1962. Article 165: Background, Chapter 1.

(3) See S. NERI and H. SPERL, *idem*, Article 165, Background.

From the very beginning, the Netherlands delegation proposed that the consultative body be authorized to advise the Commissions and the Councils of Ministers (1) on any joint economic or social problem of general importance (2).

This proposal in effect included the possibility of providing this consultative body with the right of initiative. The proposal was not adopted, the majority of the delegations being against it (3).

The main reason given at the time for not providing the ESC with the right of initiative was that the Assembly (the European Parliament) did not have such a right either, and reasons of institutional balance therefore dictated that this right should not be granted to the Committee (4).

-
- (1) Prior to the Merger Treaty of 8 April 1965 establishing a single Council and a single Commission (which entered into force in July 1967) it was normal to refer to the three Councils and Commissions of the EEC and the EAEC as "the Councils" and "the Commissions".
 - (2) See S. NERI and H. SPERL on the EAEC Treaty in "Preparatory Work and Interpretations by the six Governments, Parliamentary Documents" (in French) issued by the Court of Justice of the European Communities, Luxembourg, 1960, Article 193 : I, Background.
 - (3) See S. NERI and H. SPERL on the EEC Treaty. The authors give an account of these events, based on the parliamentary records of the discussion on this subject in the Upper House of the Netherlands Parliament. Article 198 : II. Parliamentary Records. Doc. 4725 No. 41, p. 14, col. 1.
 - (4) See address by Walther HALLSTEIN, the then President of the EEC Commission, to the ESC at its inaugural meeting on 19 May 1958 (Doc. CES 4F/58 Appendix 4, P. 4). Mr HALLSTEIN had previously been a member of the German Delegation during the negotiations on the EEC and EAEC Treaties.

Furthermore, to quote Gerda ZELLENTIN, "the majority of the Governments, particularly those made up of centre parties, foremost of which was the Government of the Federal Republic of Germany, showed extreme reservations over the establishment of a 'Fourth Power' at supra national level. They were afraid of involving economic and social interest groups in their external economic and social policy" (1).

Finally, the negotiators considered that the establishment of the Communities might be made more difficult by granting the right of initiative to the ESC, since the Commission already had a similar right (2).

C. The Non-Provision for a Right of Initiative for the Economic and Social Committee in the EEC and EAEC Treaties of 1957

Though each of the Treaties devoted a special chapter to the ESC, they nevertheless did not regard it as an institution.

Articles 193 to 198 of the EEC Treaty and Articles 165 to 170 of the EAEC Treaty made no provision for granting a right of initiative to the ESC. These Articles make it abundantly clear that the scope of the ESC's work depended entirely on the consulting institutions, namely the Commissions and the Councils of the EEC and EAEC.

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- (1) Gerda ZELLENTIN "Formen der Willensbildung in den Europäischen Organisationen" p. 105 Kölner Schriften zur Politischen Wissenschaft. - Athenäum Verlag 1965. For the Chapter on the ESC see pages 105 to 131 - Selected Documents and Articles of the ESC No. 19/66 - 101/69.
 - (2) Nadine BERNARD, Claude LAVAL, André NYS "Le Comité économique et social" p. 45. Institute of European Studies of the Université Libre de Bruxelles, from the collection entitled : Thèses et travaux politiques - Editions de l'ULB - Brussels, 1972.

The institutions consulting the ESC recognized the role it was to play as, to quote Walther HALLSTEIN, "the Committee will, to a certain extent, be involved in the shaping of the new body of Community law". He also stated that the ESC's voice carried great weight during the drafting of Community Regulations (1). Another speaker stated that "workers and trade and industrial organizations must be closely involved in the working of the new Communities." (2). They (the workers) will find that the Communities offer clear guarantees of the social awareness of the Six".

D. The Economic and Social Committee's Lack of a Right of Initiative and its Members' Awareness of this fact

On 19 May 1958 the ESC held its inaugural meeting in the meeting hall of the Belgian Senate in Brussels. On this occasion and in the succeeding months it became clear to the Committee's members that the majority of their number were leading officials of major economic and social organizations.

Approximately 75% of the ESC's members were presidents or general-secretaries of powerful national organizations representing employers, workers or other interests (3).

-
- (1) Address by Walther HALLSTEIN (op. cit. p.4 footnote 4), p.4
 - (2) Address by Mr LAROCK, the then President of the EEC Council, to the inaugural meeting of the ESC on 19 May 1958 (Doc. CES 2/58 - p. 3).

See also W. HALLSTEIN in "Gewerkschaft, Wirtschaft, Gesellschaft", Cologne 1963, p. 381-392. "The ESC as an agent of European integration in the field of economic and social policy" (in French) Selected Documents and Articles of the ESC No. 16/63.

- (3) See the first list of members of the ESC (Doc. CES 15/58 of 1 October 1958) reprinted in Appendix VIII.

See also Gerda ZELLENTIN (op. cit. p. 5 footnote 1) p. 107.

It is hardly surprising that these leading figures attempted to acquire an influence on the Community legislative procedure comparable to that this they exercised on the legislatures in their own countries.

At its very first meeting the ESC took up the question of its role and, in particular, the possibility of making known its views, at the appropriate moment and without being consulted, on the fields which concerned it, namely important economic and social issues affecting the Community. In this respect members of the ESC were encouraged by Walther HALLSTEIN in his address to the Committee when he pointed out (1) "it is through the Economic and Social Committee that the EEC Commission will be informed of the views of factory managers, farmers, workers, and professional people. As members of the Committee, you are, ladies and gentlemen, the spokesmen of Community public opinion in the economic field. The Commission looks to you to pass on the experience, the technical point of view and the concerns of the public in the six Member States."

Mr HALLSTEIN went on to say "As you are aware, ladies and gentlemen, although it is not a Parliament, the ESC is, by virtue of the role which it is called upon to play more than a simple panel of experts. The reason why I say "more" is that the EEC Commission is obliged to hear your views" (2).

E. Abortive Attempts to Incorporate the Right of Initiative in the ESC's Initial Rules of Procedure (1958)

This awareness of the ESC's role explains why the Committee tried, when drafting its Rules of Procedure, to cast off the shackles which the Treaties seemingly imposed by not granting it the right to study matters on its own initiative (3).

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- (1) W. HALLSTEIN, Address given on 19 May 1958 (op. cit. p. 4 footnote 4) p. 4.
 - (2) W. HALLSTEIN (idem) p. 3.
 - (3) Gerda ZELLENTIN (op. cit., footnote 1) p. 109.

The members of the working group formed on 19 May 1958 (1) to draw up the Rules of Procedure, proposed that, since the convening of the ESC was the responsibility of its Chairman, he should be entitled to do so on his own initiative (2).

In the suggested text for Article 17, the Chairman was to be able to convene the ESC after consulting the Committee's Bureau or at the request of one fifth of the Committee's members (3).

The opposition to the Committee having the right to discuss matters on its own initiative was centred not on the procedures to be used for putting this right into effect but on the very principle of the matter. This attitude stemmed mainly from a certain fear of "corporatism" voiced by the Federal Republic of Germany where bad memories of the Reichswirtschaftsrat in the Weimar Republic still lingered on. Furthermore, this country did not have an equivalent national body and found it difficult to appreciate the need for such a body or how effective it could be (4).

(1) Mr MASOIN was both the Chairman and the Rapporteur of this group.

(2) Mr MASOIN's Report, CES 17/58, p. 2.

(3) Article 17

The Economic and Social Committee shall be convened by its Chairman, either at the request of the Council or the Commissions, on the advice of its Bureau or at the request of one fifth of its members, to discuss matters falling within the Committee's terms of reference.

Draft Rules of Procedure of the ESC, 25 June 1958.
Doc. CES 13 F/58 cx.

(4) Memo from the Secretariat of the ESC, Brussels,
14 August 1958, Doc. CES 795 F/58 ddl.

This led the Councils to think that as the ESC was consultative body, it should not have the right to take up matters on its own initiative (1). They felt that such a right might upset the balance of powers and the allocation of tasks (2). The ESC's initial attempt to have the right of initiative included in its Rules of Procedure therefore ended in failure.

Nonetheless, the large majority of the Committee's members, accustomed - as stated above - to having greater freedom of action on similar bodies in their home countries, did not consider that the ESC bodies set up by the Rules of Procedure would necessarily make the Committee into an upper chamber of experts. Instead they saw it as being a sort of "economic assembly" and for this reason they used all the openings rightfully offered the ESC by its Rules of Procedure for taking some initiative, to try and get the scope and impact of the Committee's work extended (3).

I. THE OPERATION OF THE ESC FROM 1958 TO 1972 IN THE

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PRE-"RIGHT OF INITIATIVE ERA"

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A. PROVISIONS IN THE RULES OF PROCEDURE GIVING THE ESC SOME FREEDOM TO WORK ON ITS OWN INITIATIVE

In our examination of the legal openings which the ESC had during this period for displaying a certain amount of initiative we shall look first at studies and information reports, which were provided for directly by the Rules of Procedure, and then at the publication of statements and the delivery of Opinions at the Committee's own request, which were the outcome of steps taken by the ESC's representatives and members.

-
- (1) Memo concerning the articles in the Rules of Procedure drafted by the ESC, which the Councils would like to discuss with the ESC's Bureau on 15 October 1958, Doc. CES 1120 F/58 rev. mr.
 - (2) See also on this point the Commission of the EEC's comments on the draft version of the ESC's Rules of Procedure, Doc. CES 989/58 cx.
 - (3) See also on this point Gerda ZELLENTIN (op. cit., p.5, footnote 1), pp. 109-110.

1. Studies

Article 18 of the 1958 Rules of Procedure stipulated in the third paragraph that :

"The Committee shall be convened by its Chairman, acting in agreement with the Bureau and with the prior consent of the Councils and Commissions concerned, which thus give the Committee permission to prepare the study of questions on which the Treaties stipulate that it must or may be consulted."

In turn, the third paragraph of Article 20 in the 1968 Rules of Procedure stated that the ESC "... shall be convened by its Chairman, in liaison with the Bureau and with the prior consent of the Council or the Commission, to prepare the study of questions on which the Treaties stipulate that it must or may be consulted."

It should be noted that this was a flexible procedure, not designed to culminate in the formal delivery of a Committee Opinion, for dealing with subjects on which the Commission itself had not yet taken a definitive stand (1). It was therefore a matter of taking an objective and comprehensive look at the various aspects of a question, in anticipation of consultative work at some later stage. In actual fact, the studies dealt with subjects on which the Treaties stipulated that the ESC must or may be consulted.

In particular, this procedure, by granting the Committee a "limited right of initiative", allowed the Committee to participate in work on vocational training policy and medium-term economic policy (1966-1970) (2). This is particularly clear, for example, if we take a look at how the Committee came to prepare a study on vocational training.

On 18 May 1965 the Commission sent the Committee a document, for the information of its members, dealing with programmes of action with regard to a common vocational training policy in a general context and in the field of agriculture (V/SEC (65) 1355 final) (3).

-
- (1) Mr DE BIEVRE. VITA magazine No. 3 of 15 February 1966, pp. 103-107
 - (2) BERNARD, LAVAL, NYS (op. cit., p. 5 footnote 2), pp. 146 and 147.
 - (3) 56th meeting of the Bureau of the ESC held on 29 June 1965, R/CES 272/65, pp. 8-9.

At its meeting on 19 June 1965, the ESC's Bureau thought, in response to the wishes expressed by the members of the specialized Section for Agriculture, that the time was ripe for asking the Commission for permission to produce a study under the third paragraph of Article 18 of the 1958 Rules of Procedure. This Study was to take as its basis the document sent to the Committee for information. As a result, the Bureau instructed the Chairman to ask the Commission for permission to produce this study, which he did on 9 July 1965. In his request the Chairman pointed out that the study was simply to be an internal document. Final agreement was given on 22 January 1966 (1) at a time when, in the wake of the 30 June 1965 crisis, the work of the Committee had slowed down and come to all intents and purposes to a halt (2).

The chief point to be remembered about this procedure is that it enabled the Committee in the pre-"right of initiative" era to voice its views with the consent of the institutions on matters on which it had not been consulted. This was done at the request, prompting or rather "initiative" of the Committee's members (3).

2. Information Reports

Even though it was not until 1968 that the procedure for the production of information reports was laid down in a specific article of the Rules of Procedure (Article 24), the Committee had already compiled twelve such reports between 1961 and 1964 on the basis of the second paragraph of Article 18 of the 1958 Rules of Procedure, which stipulated that the Committee could be convened by its Chairman, on the advice of the Bureau, for further discussion of questions on which it had been consulted by one of the Councils or one of the Commissions (4).

The main idea behind this procedure was that it allowed the Committee to play an on-going part in the work of the Commission.

-
- (1) 62nd meeting of the Bureau of the ESC held on 26 January 1966 - R/CES 24/66.
 - (2) BERNARD, LAVAL, NYS (op. cit., p. 5, footnote 2), pp. 146 and 147.
 - (3) 172nd meeting of the Bureau of the ESC (special meeting held on 27 April 1976, Doc. R/CES 491/76).
 - (4) BERNARD, LAVAL, NYS (op. cit., p. 5 footnote 2), pp. 144 to 146.

This is clearly shown to be so if we look at the steps taken following the sending to the ESC in July 1961, for information purposes, of the Commission's draft proposal for a regulation on the implementation of the common agricultural policy (1).

As the Committee's Chairman at that time, Mr E. ROCHE, indicated in a memo to the Bureau members, the Commission considered that it had fulfilled the obligations imposed on it by the EEC Treaty by consulting the ESC beforehand on the broad lines of agricultural policy.

The Commission's legal department, acting on the basis of Article 43 (1) and (3) of the EEC Treaty, thought in fact that consultation of the Committee did not have to be consulted on implementing directives and regulations, especially those pertaining to a common market organization being planned (2).

Nevertheless, the ESC members' wish to be consulted on issues which they considered to be of prime importance (2) caused its Chairman, Mr. ROCHE, to comply with the request of the Chairman of the Specialized Section for Agriculture and suggest to the Commission that the Committee and, through it, the Specialized Section for Agriculture, be asked to compile "information" reports on measures to be taken in application of the Mansholt proposals. Article 47 of the EEC Treaty should act as the legal basis for these reports, it was suggested (3).

The Commission was willing to accede to this request, especially as Mr MANSHOLT himself regretted that the Treaty failed to deal with the role to be played by the ESC when the time came to put the common agricultural policy into practice, (there is no formal requirement to consult the Committee on the relevant regulations and directives or on the actual content of measures to be taken) (4).

-
- (1) BERNARD, LAVAL, NYS (op. cit., p. 5, footnote 2), pp. 144 to 146.
 - (2) BERNARD, LAVAL, NYS (idem), pp 144 to 146.
 - (3) BERNARD, LAVAL, NYS (idem), pp. 144 to 146.
 - (4) Doc. CES 182/61 pd

It was therefore proposed that documents implementing the CAP should be sent to the Specialized Section for Agriculture for its information. The Section would then be able to discuss these documents and set out its ideas in a report, which, however, would clearly not have the same status as an Opinion (1).

It must be stated in conclusion that this procedure was chiefly designed to allow the ESC to voice its views in fields where the Executives (2) had not felt obliged to request the Committee for an Opinion. Its main effect was to oblige the institutions to keep the Committee informed - at the Committee's request ("initiative") - about subjects which they (the institutions) had discussed and which the ESC judged to be vital.

In practice, it was a way of allowing a Section to examine a specific dossier and produce a report on that subject for the Committee's members. The procedure consisted of presenting the Committee with the findings of some research without obliging it to decide either way on these findings (3). It should also be noted that the information reports always dealt with texts already drawn up and generally approved by the Commission (4).

3. Publication of Statements

Efforts to obtain a wider audience for the Committee were also made outside the confines of the 1958 and 1968 Rules of Procedure under which the Committee, as a Community body, was not allowed to make any political statements or deliberate without being consulted by the Councils or the Commissions (5).

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- (1) However, in compliance with Article 197 of the EEC Treaty which stipulated that a Section may not be consulted independently of the Committee, Chairman ROCHE felt that "the information supplied to the Section should pass through the hands of the Bureau and should be divulged at the Plenary Session" (see 18th Plenary Session of 15.12.61, R/CES 232/61, on this point) and Memo from the Chairman, Mr ROSENBERG, to the members of the Bureau at that time.
 - (2) The term "Executives" is used to mean "consulting institutions".
 - (3) This has always been the ESC Bureau's interpretation - see the 172nd meeting of the Bureau of the ESC (special meeting) held on 27 April 1976 (R/CES 491/76) on this point.
 - (4) Mr DE BIEVRE (op. cit. p. 11, footnote 1).
 - (5) Gerda ZELLENTIN (op. cit., p. 5, footnote 1), p. 129.

For example, "the members of the ESC" condemned the collapse of the UK entry negotiations on 30 January 1963 (1).

The Committee was meeting in Plenary Session at the moment the Community broke off the negotiations. After some bargaining, it was unanimously agreed at the instigation of the Committee's Chairman not to continue deliberating this question in public. It was thus via the Groups, which discussed the Community's action, that the views of the Committee's members were made known (2).

In much the same context was the statement made in 1963 by the then Chairman, Mr ROCHE, approving Lord GLADWYN's plan for a united Europe (3).

As a final noteworthy example, it is possible to single out the attitude of the ESC's members to the collapse of the Communities' talks in June 1965 on plans for agriculture. This collapse occurred just after all the Committee's members - bar one, who had abstained - had voted in favour of the Commission's plan for financing agricultural policy and extending the powers of the Parliament.

Following a statement by the Commission's President, the Committee - instead of voting on a motion which struck an aggressive note towards the Council and more especially towards the stand taken by one of the Member States - had "the intelligence (4) to refer the task of commenting on the Commission President's declaration to each of its Groups". The declaration made in support of the Commission was presented in such a way that, as in the case of the two other examples above, "it was impossible to say that the Committee, acting within the framework of its Rules of Procedure and within the confines imposed by the Treaties, had overstepped its terms of reference" (4).

(1) Gerda ZELLENTIN (op. cit., p. 5, footnote 1), p. 129.

(2) J. GENTON (op. cit., p. 3, footnote 1), p. 48.

(3) Bulletin of the ESC No. 1/1963, p. 86 - quoted by J. GENTON

(4) J. GENTON (op. cit., p. 1, footnote 1), p. 48.

Thus, the ESC, acting through and at the initiative of the socio-economic forces gathered together in its midst, was able to take a stand on several political issues of topical interest without contravening its Rules of Procedure.

4. The Delivery of Opinions at the Request of the Committee's Chairmen

The ESC also managed, without amending its Rules of Procedure, to be consulted on matters which were of such topical interest that it could not afford to overlook them. Thus, thanks to action taken by its Bureau and, in particular, its Chairmen - who persuaded the Councils and Commissions to consult the Committee where there was no obligation to do so - the ESC was in fact granted a right of initiative in a disguised form (1), as borne out by the substantial increase in the fields in which it was called to state its views.

In the beginning, it was chiefly a question of getting the Executives to include the ESC's programme of activities on the agendas for their meetings (DE STAERCKE) (2) or asking for the Committee to be supplied with a rough list of the questions on which the Executives were planning to request the Committee for Opinions. (E. ROCHE) (3).

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- (1) J. GENTON (op. cit., p. 1, footnote 1), p. 47; see also on this point Fritz FISCHER "Die institutionalisierte Vertretung der Verbände in der Europäischen Wirtschaftsgemeinschaft", p. 123, "Veröffentlichungen des Instituts für internationales Recht der Universität Kiel" - Hansischer Gildenverlag, Hamburg 1965.
 - (2) Meeting of the Bureau of the ESC of 29 January 1959, Doc. R/CES 5/59.
 - (3) Letter from Mr E. ROCHE to the President of the Councils of the European Communities of 30 October 1963, ref. 2193/63.

At his press conference of 19 October 1962, Mr ROCHE stated that he had insisted that the ESC should be consulted "at the appropriate juncture and in good time on other major topics concerning the future of the Communities" (1).

Later, Mr ROCHE declared at the Plenary Session of November 1962 that the ESC should be consulted above all on the general lines of action which the Community authorities considered taking.

Similarly, in December 1965 the ESC Chairman, Mr Piero GIUSTINIANI, indicated to the then President of the EEC Commission, Mr. HALLSTEIN, the matters on which the Committee could be consulted, with a view to preparing a properly structured programme of work.

Faced with the problem of the Committee's practical activity in the medium term, the EEC Commission could not refuse this request. On 27 January 1966 Mr GIUSTINIANI read out to the full Committee a letter from Mr HALLSTEIN stating that the ESC would be consulted on matters which were of prime importance (2).

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- (1) Topics such as : the common energy policy; relations with overseas countries; the common commercial policy in all its ramifications (particularly the negotiations with Britain); the Euratom research and teaching programme; and the measures to implement the policies on agriculture, transport, freedom of establishment and rules on competition.
 - (2) See : Mr Italo MINUNNI "Why a New Lease of Life for the ESC" in "24 Ore" of 8 February 1966 - ESC Selected Documents and Articles No. 6/66 p.3. Matters such as : mergers; setting up of European companies; progress in vocational training in agriculture; Community programmes in agriculture; the application of rules on competition; and the development of the common commercial policy.

From this description of the legal paths offered to the ESC by its Rules of Procedure and how they were used to give the Committee a certain right to act on its own initiative, it seems one can conclude that the Committee has succeeded in extending its activities to a certain extent beyond the limits initially imposed by the authors of the Treaty of Rome.

Nevertheless, it would be overlooking some of the truth if we did not study the real scope of such action since in the absence of a right to act on its own initiative recognized by the basic texts, the ESC was dependant on special authorization from the institutions concerned each time it wanted to be consulted.

B. THE SCOPE OF THE ESC'S ACTION

From 1958 to 1972 the ESC had no right to act on its own initiative and was basically an advisory body. Its terms of reference and operations were closely circumscribed by the Treaties of Rome and by its own Rules of Procedure (1).

Even the most basic attempts to free the Committee from the constraints imposed by its basic texts ran into two obstacles : (i) the limits imposed on the choice of topics on which the ESC could state its views, and (ii) the rules governing the moment when the ESC could make its point.

Now it is easy to imagine that the degree of greater or lesser freedom in choosing topics on which to express a position and the time when this can be done may constitute a vital factor in evaluating the real impact of any action. In the Committee's case, the developments which follow show quite adequately that the attempts made by the ESC to widen its role were restricted by the very small degree of freedom it had on these two points.

1. The Limits on Choice of Topics

Article 198(1) of the EEC Treaty (together with Article 170(1) of the Euratom Treaty), which states that "The Committee must be consulted by the Council or by the Commission where this Treaty so provides", lays down that the Committee must be asked for an Opinion in certain fields. These fields cover matters which are of great importance to the Communities, such as for the EEC :

(1) Rules which it still does not control. Article 196(1) of EEC Treaty and Article 168(1) of Euratom Treaty.

- the common agricultural policy (Article 43);
- freedom of movement for workers (Article 49);
- freedom of establishment (Article 54(1) and (2));
- freedom to provide services (Article 63(1) and (2));
- transport policy (Article 75(1) and Article 79(3));
- the approximation of laws (Article 100);
- social policy (Articles 118 and 121);
- The European Social Fund (Articles 126 and 127);
- and finally, the common vocational training policy (Article 128);

and for EURATOM :

- schools for the training of specialists (Article 9);
- health protection (Articles 31 and 32);
- investment programmes (Articles 40 and 41);
- freedom of movement for workers (Article 96);
- insurance contracts covering nuclear risks (Article 98);

But, as a logical consequence of the absence of the Committee's right to act on its own initiative, provision was also made for the ESC to be consulted by the Community institutions "in all cases in which they consider it appropriate" (Article 198(1) of EEC Treaty and Article 170(1) of EURATOM Treaty).

The basic texts therefore make a fundamental distinction between mandatory and optional consultation of the ESC when listing topics likely to be the object of Committee work. This situation must be interpreted as the first brake on the ESC's power to act fully as an advisory body, inasmuch as its members were not systematically asked for an Opinion on all matters concerning the Communities.

The very nature of the Committee's make-up makes it a pre-eminent forum for getting to know the views of most of the socio-economic forces in the Communities.

As far as optional consultations are concerned, it is worth noting that almost all of these have come from the Commission, an institution which is quite favourably disposed towards the ESC. However, the Commission could take the view that it was not necessary to consult the Committee voluntarily. It could also consider that there was no need to refer a measure a second time to the Committee, in order to ascertain its views on measures to be applied in individual sectors, when it had already adopted a position on general principles.

But in practice the distinction between the two types of consultation possible under the terms of the Treaties takes a different form, namely a difference between consultations of a general nature and consultations of a technical nature.

In the beginning, Community regulations tended to cover individual sectors or technical fields, due mainly to the need to adopt a step-by-step approach to arrive at a co-ordination of national policies, and, later, at an alignment of laws. This led to a result which was not intended by the authors of the Treaties because, since the ESC had to be consulted on general and important matters, it was also consulted in the same areas on matters which were essentially technical - and such consultations have turned out to be the most frequent.

As we have already pointed out, the ESC, whose basic role is to mirror the reactions of social and occupational groups to the Community's economic and social policies, and not express criticism of a technical nature, should have given priority to discussing general topics which were of concern to its members (1). But, in fact, it was these very topics, which tended generally to qualify for an optional consultation, that systematically were least accessible to Committee members and came up for discussion the least frequently. Apart from the difficulties members had to express their views on matters which were of concern to them, this had a more political effect. It was almost impossible for the ESC to work out for itself its own overall view of things, and adopt an overall attitude towards the Communities' economic and social policy. Most of the positions adopted by the ESC concerned papers and considerations that were basically technical and were submitted to it by the Commission or the Council (2). Those Opinions, and they were few, in which the Committee did propose a more

(1) Proposals and suggestions for strengthening the powers, terms of reference, influence and effectiveness of the ESC and its Groups, made by the three Group Chairmen and submitted for the consideration of the ESC Bureau's select working party on 10 June 1971, CD 35/71, p. 2.

(2) Gerda ZELLENTIN (op. cit., p. 5 footnote 1), p. 40.

elaborate strategy in certain areas of economic and social policy, covered matters which had already been the subject of practical and technical consultations and for which guidelines had already been laid down to some extent.

One can conclude, therefore, that without the freedom to choose where to intervene (1), the Committee's basic ideas, on which its Opinions were founded, were determined not by means of a coherent programme of reflection on issues that were felt to be most important (2), but by the "chance" of consultation and the good will of the bodies referring matters to the ESC or authorizing it to take them up.

As a rider to the remark made above on the advisory nature of the ESC, it has been said that the Committee's Opinions should not be limited to formal amendments of the texts submitted to it but should also - and above all - contain the ideas and the clear and specific comments of members (3).

In other words, this means that it was necessary for more of the topics referred to the ESC to be such as to capture the interest of the top representatives of economic and social interest groups in the Member States and be sufficiently topical to enable members to feel more closely involved in Community policy-making and thus strengthen the role of the Committee.

As long as the Committee did not have the freedom to choose where it wanted to act, the members, who were important representatives of the main economic and social sectors in the different Member States, did not feel they were able - indeed they were not able - to use the ESC as a means for intervening in Community decision-making as

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- (1) One important exception being the ESC Opinion on the Memorandum of the Commission of the EEC of 29 May 1963 on the Programme for Community Action during the Second Stage - OJ No. 189/63 p. 3013 et seq.
 - (2) Gerda ZELLENTIN (op. cit., p. 5 footnote 1), p. 40.
 - (3) Proposals and suggestions of the three Group Chairmen in 1971 (op. cit., p. 23, footnote 1).

they were able to do at national level. The members therefore, and their organizations or national sectors of activity, became to some extent disenchanted with the Committee, and sought other channels for action.

2. The Limits on the Moment of Intervention

In the original framework for Community decision-making resulting from the Treaties of Rome, the ESC was "the only possible and legal way, at the stage when Council decisions were taken, of sounding out the opinions of trade organizations" (1).

Moreover, to enable the ESC to carry out its advisory role correctly, it could not be sufficient merely to consult it, even if this were done frequently; the Committee had to be able to make its contribution under good conditions, that is to say at an appropriate moment, before a decision was taken. It was also vital for it to be given adequate time for its studies and deliberations (2).

During the years 1958-1972 what happened in practice was that when the ESC had to deliver an Opinion following a mandatory or optional consultation it had to deliberate on texts which had already been drawn up by the consulting institution, since it had no right to act on its own initiative (3).

In other words, the institution asked the ESC for an Opinion on a text that had already been adopted in the sense that it was the result of an initial process of "consultation-drafting-approval". The text might be a draft proposal, but it was no longer a rough outline. It already embodied choices, formulated proposals, made observations and set down guidelines for any debates by approaching an issue from a certain angle. What is more, the Council consulted the ESC when it wanted to take a decision fairly rapidly on a text (4).

- (1) J. GENTON (op. cit., p. 3 footnote 1), p. 10.
- (2) Jean MEYNAUD, Susan SIDJANSKI "Les groupes de pression dans la Communauté européenne de 1958 à 1968", Institut d'Etudes européennes ULB Bruxelles Collection Thèses et travaux politiques. Editions de l'Institut de Sociologie 1971, p. 600.
- (3) J. GENTON (op. cit., p. 3 footnote 1), p. 15.
- (4) ESC Activity Report for 1961, Doc. R/CES 55/62 p. 5.

Now, it is quite obvious that if economic and social groups are to be involved in decision-making they should be brought in at the stage when the overall policy to be applied to an economic or social issue is being formulated. Intervention by the Committee at this stage would enable it to influence the approach towards solving a problem in the light of the ideas of its members. So the economic and social groups have to be able to make their contribution before choices are made and decisions taken. When the Committee was brought in after the stage when proposals were drawn up and (or) when various pressures (advisory committees, experts, direct contact with the Commission) had had time to act, then "intervention became more formal than real and participation was an illusion" (1).

When the Commission was the consulting institution and it had not yet submitted its text to the Council, it could still make changes to take account of the suggestions made to it.

But if the Council was consulting the ESC, then the procedure became more complex. Generally speaking, the Council decides "on a proposal from the Commission". So, as long as the Commission had not declared its proposal to be definitive the Council could refer the text back to it for the Committee's suggestions to be taken into consideration (2). But if this were not the case, then under Article 149(1) of the EEC Treaty and Article 119(1) of the Euratom Treaty the Council had to decide unanimously to amend the Commission's proposal.

Such a procedure would certainly slow down the decision-making process and consequently hamper the Committee's work being taken into consideration (3).

So in practice the ESC's Opinions often suffered (4) from the same fate as that which sometimes happened to the European Parliament's Opinions and which Mr H. FURLER denounced in a report drawn up for the Political Committee on the powers and terms of reference of the European Parliament :

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- (1) J. GENTON (op. cit., p. 1, footnote 1), p. 34.
 - (2) J. GENTON (op. cit., p. 3 footnote 1), p. 9 pointed out here that "the Council does not itself correct the document".
 - (3) J. GENTON, (idem) p. 9.
 - (4) BERNARD, LAVAL, NYS (op. cit., p. 5 footnote 2), p. 148.

"What does give cause for concern is that the permanent representatives and the Commission get together to discuss proposed regulations while the consultation procedure is still going on. Sometimes - and the case has already arisen - they even go so far as to agree on changes to proposals, so that the Parliament is busy deliberating on a text which is no longer up to date" (1).

This could be partially due to the fact that in practice, even if requests for an Opinion were sent by the institutions, "the departmental structure was such that very often it was the officials who set deadlines which did not always take into account all the aspects of the problems envisaged" nor of the long and delicate nature of the work involved in drafting an Opinion (2). Very often, the procedure for getting work under way did not enable certain Opinions to be completed within the deadline set, so that many Opinions were approved by the ESC Plenary Assembly after the Commission or the Council had reached a decision. In other words, the Committee's influence on the final decision was nil (3).

Thus in practice the Committee has only been consulted during the second stage of drawing up texts, after the basic choices had been made - despite the fact that the ESC, as a Community body, had direct access to the centre of decision-taking (4).

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- (1) Report of Mr. H. FURLER, E.P. working document 1963-1964, 14 June 1963, Doc. No. 31, p. 15, ss 68.
 - (2) Presentation of the ESC's Activity Report for 1961 by the ESC Secretary-General Doc. R/CES 55/62.
 - (3) Proposals of the three Group Chairmen of 1971 (op. cit., p. 23 footnote 1).
 - (4) MEYNAUD, SIDJANSKI (op. cit., p. 25 footnote 2), pp. 488 - 489.

3. Inadequacy of the Types of Document with Respect to which the Committee had a Certain Right of Initiative

With respect to the scope of the methods used to mitigate the absence of a right of initiative, it must be pointed out that all ESC documents which express its official views and are drawn up under its responsibility, must be approved by a vote of the full Committee. In other words, it must be possible to hold a general discussion of such documents at a Plenary Session, and Committee members must be able to amend them (1).

a) Information Reports

The Rules of Procedure (2) specify that information reports are Section and not Committee documents. Consequently, they do not bind the Committee. Information reports can be submitted to the Committee by a Rapporteur and give rise to a general discussion, but they are not voted on by the Plenary Session and therefore cannot be amended by Committee members (3). As a result, information reports do not have the same status as Opinions - not even formally (4) (5).

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- (1) Draft report by Mr. MAMERT, Rapporteur for proposals to change the ESC Rules of Procedure. 31 October 1972, Doc. CES 336/72 rev. 2, p. 34. See also Article 39 (4th, 5th and 6th paragraphs) of Rules of Procedure of 1974.
 - (2) RP of 1968, Article 24.
RP of 1974, Article 24.
 - (3) Draft Report of Mr. MAMERT (idem), p.36
 - (4) See 113th Plenary Session of 26/27 September 1973, Doc. CES 699/73, point XVII.
 - (5) It has, however, been accepted that the Plenary Session can, by a procedural vote which does not prejudice any agreement on the substance, decide to forward an information report to the Institutions.

Information reports thus enabled the ESC to broaden its terms of reference. But they did not formally or legally increase its freedom, for they did not express an official Committee stand on a matter which it had selected. They did not allow the Committee to take up an issue on its own initiative, and decide how to tackle that issue, for they concerned documents drawn up (and generally approved) by the Commission.

By reason of their legal character as a document of a Committee Section, information reports have no place in the Community decision-making process (1). They consequently cannot be compared with Opinions, and do not enable the Committee to intervene in the consultative phase of Community decision-making.

Although information reports seemed to open up fairly large possibilities, in reality the scope given to the Committee to follow up matters referred to it was unsatisfactory. "A more hostile policy on the part of the Commission could have prevented the Committee, or its Section for Agriculture, from dealing with major aspects of the CAP"(2).

In short, Information Reports did not increase the ESC's freedom of action because the forwarding of a document for information purposes by the Council or the Commission depended on the latter's agreement or sympathetic attitude (3).

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- (1) Article 197(3) of EEC Treaty and Article 169(2) of EAEC Treaty : "These specialized sections shall operate within the general terms of reference of the Committee. They may not be consulted independently of the Committee".
 - (2) BERNARD, LAVAL, NYS (op. cit., p. 5 footnote 2), p. 145.
 - (3) See the Role of Information Reports as a means to extend the Role of the Economic and Social Committee : Chapter IV, D. 3.

b) Studies

Studies also depended on the agreement of the Institutions. Furthermore, they were drawn up in anticipation of consultation on a particular issue (1). If the subject was one on which consultation of the ESC was not obligatory, the decision whether to refer that matter to the Committee was the prerogative of the executive bodies.

If the procedure was to be properly used, Studies could not be of an academic or scientific research" nature. In other words, they had to concentrate on matters of immediate interest to the Institutions because they were not "Committee documents" in the strict sense and, whatever their validity, the arguments were not presented in an official document. It was therefore necessary to base Studies on documents furnished by the Institutions (1).

The upshot was that Studies, like Information Reports, did not offset the ESC's lack of a right of initiative.

c) Requests that Specific Issues be referred to the Committee for an Opinion

Thanks to the initiatives taken by its Chairmen, the ESC obtained certain results by asking for referrals. However, while the Institutions agreed to refer implementing provisions in areas where the Institutions are required to consult the ESC on instruments laying down general principles, they were more reluctant to do so with respect to other areas; they generally preferred, as we have just seen, the inadequate procedure of Information Reports (2).

(1) Draft Report by Mr MAMERT, 31 October 1972 (op. cit., p. 29, footnote 1), p. 35.

(2) ESC Activity Report for 1961 (op. cit., p. 26, footnote 1), p. 23.

The ESC was still in a dependent position, for it had to request the Council or the Commission for authorization to produce an Opinion if it was not consulted. This dependence could only be eliminated by institutionalizing the ESC's freedom of action, i.e. by giving it a right of initiative (1).

d) Declarations

The Treaties do not empower the ESC to take a formal stand, outside of Opinions, in the form of declarations. Although declarations have been made by individuals or groups represented on the ESC, these do not have the status of ESC Opinions; this reduces their impact on Community activities.

II. ATTEMPTS TO INTRODUCE A RIGHT OF INITIATIVE

While the ESC tried to secure some freedom of action through the various instruments at its disposal, and to shake off the Treaty limitations on full exercise of its consultative role, there were increasing demands for the grant of a genuine right of initiative.

Broadly speaking, the economic and social groups based their argument on the changes in Member State societies, research workers based their case on an analysis of the Community's decision-making machinery, and the ESC constituent bodies referred to the practical difficulties hampering them in the discharge of their duties. But all parties developed their ideas of the functions which a consultative body should have. This led to the establishment of concrete proposals embodying the views of the various parties. This in turn led to a new attitude, given the facts of 1972, and opened the path to the Paris Summit decision.

A. THE DRIVING FORCES

1. Economic and Social Interest Groups

Initially, the pressure for a right of initiative did not always stem from an identical evaluation of economic and social needs. But the case for such a right was nevertheless made out at a fairly early date.

(1) M. I. MINUNNI (op. cit., p. 18, footnote 2), p.4.

As early as July 1962, for instance, Mr. MASOIN (Group I - Employers) said it was essential that the ESC should have a right of initiative with respect to certain matters, and subject to certain conditions (1). In September 1962, Mr COOL (Group II - Workers) argued that it should be possible to grant powers not specifically forbidden by the Treaty (2).

In November 1962 (3), the three ESC Groups consequently endorsed the proposal that the ESC should be able to make recommendations on its own initiative, which would then be submitted to the Council and Commission by its Chairman (4).

As pointed out by Mr. GINGEMBRE (Group III-Various Interests), there were grounds for criticizing the firm refusal of the consulting institutions to grant the ESC any right of initiative, at a time when they were encouraging the proliferation of expert committees (5).

Despite this large measure of agreement among ESC members, the Council and certain Member States continued - for the same reasons as in the past - to reject any idea of an increase in the ESC's powers (6). To get round these objections, the ESC members changed their line of argument.

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- (1) Mr. MASOIN's memo of 31 July 1962, Doc. CES 2/62; position of Group I set out in a document entitled "Views on Amendment of the RP", 19 September 1962, Gr. I CES 2/62.
 - (2) First meeting of the ad hoc working party on amendment of the RP (26 September 1962), Doc. R/CES 239/62.
 - (3) See page 46, first amendment of the RP.
 - (4) Second meeting of ad hoc working party on amendment of the RP (15 and 16 November 1962), p. 19.
 - (5) Idem., p. 21.
 - (6) See Introduction, pp. 4 and 5.

It was in February 1963 that Mr. DE BIEVRE (Group I - Employers) suggested taking a different tack. He proposed that no further reference should be made to an increase in ESC powers being necessary in itself. The case for a right of initiative should be based on economic facts, including the way in which economic and social issues should be tackled (1).

In 1964 (2), the Workers' Group stated that EEC Treaty Article 198 and EAEC Treaty Article 170 specified only the matters that had to be referred to the ESC. The Group pointed out that the Treaties were outline instruments, and did not prohibit new measures to further their objectives. EEC Treaty Article 235 and EAEC Treaty 203 (3) had been drawn up to allow such new measures.

In addition to the case for a right of initiative being set out in new terms, there were decisive factors militating in its favour, namely the changes in economic and social management within the Member States. This change was particularly marked in the countries which had previously been the most strongly opposed to granting a right of initiative.

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- (1) Second meeting (7/8 November 1963) of the Sub-Committee on the Action Programme Doc. CES 63/63
 - (2) Gerda ZELLENTIN (op. cit., p. 5, footnote 1), p. 109
 - (3) Article 235 of the EEC Treaty states
"If action by the Community should prove necessary to attain, in the course of the operation of the common market, one of the objectives of the Community and this Treaty has not provided the necessary powers, the Commission shall, acting unanimously on a proposal from the Commission and after consulting the Assembly, take the appropriate measures".

As the DGB pointed out in February 1969 (1), "... As it becomes increasingly rationalized, economic policy is dropping the laissez-faire strategy of the post-war years, its decisions are being taken at other levels, and consultative bodies are being used". This meant that interests could be properly defended only if permanent, institutionalized contacts were established at the economic policy-making stage. In other words, the DGB considered that in the EEC context it was obviously necessary" ... for workers and their unions to step up their influence in the ESC ..." But at the same time it is necessary that lawmakers should, when draft laws are discussed, be aware of workers' views ..." This amounted to saying that, in the Communities, the ESC should have appropriate consultative powers including a right of initiative.

It was not just a matter of taking account, at the technical level, of an economic and social evolution. It was also necessary to resolve the economic and social problems created by technical improvements in the formulation of economic and social policies. If such problems could not be resolved with the agreement of those concerned, it was not clear what the point of the improvements was (2).

To avoid decision-making machinery being blocked in this way, the need for the ESC to be able to decide the timing and subject of its action had to be asserted more strongly. Accordingly, the three ESC Groups took a joint stand in June 1971 (3). This stand was reiterated at the 100th Plenary Session of the ESC (26/27 January 1972) (4).

The statement in question said that the ESC should be able, with the prior agreement of its Bureau, to initiate studies when draft documents were being drawn up by the Commission. Similarly, it was proposed that the ESC should be able to give priority to general issues of concern to members (5).

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- (1) From "Welt der Arbeit", No. 7 (14 February 1969) of the German DGB; ESC Selected Documents and Articles, No. 40/69
 - (2) See L. ROSENBERG's Article in Europa-Archive No. 9, 1972. ESC Selected Documents and Articles, No. 44/72, p. 10.
 - (3) Proposals of three Group Chairmen, 1971 (op. cit., p. 23 note 1), p.2.
 - (4) See statements by Mr KUIPERS, Mr BRENNER and Mr GINGEMBRE at the ESC 100th Plenary Session of 26/27 January 1972, CES 52/72, Appendix 6
 - (5) This did not mean minimizing discussion of draft Regulations or Directives of a much more technical nature.

2. Scientific Bodies and Leading Figures

Whatever the enthusiasm or reservations with which economic and social interest groups endorsed the Treaties of Rome, they did not intend to support just any set-up. They considered that the representatives of the major economic and social interest groups should have their just place in the Community Institutions. The creation of Europe was to involve their increased participation in public life and ensure their liberty, right of initiative and influence (1).

The aim was thus to create an economic and social democracy, and establish the procedures it needed if it was to operate properly. Economic democracy, as Mr J. GENTON pointed out, means the participation of social and economic interest groups in decision-making (2).

To be effective, it was necessary to act before fundamental decisions had been made, before a rigid frame of reference could limit the expression of the views of the economic and social interest groups (3).

Now it was precisely the role of the ESC as a Community body to find out just where the views of the various interest groups represented on it differed most widely on any particular point. The next step was to agree on a compromise text which could be used by the Community Institutions as a basis for finding solutions to the problems. For this however, the ESC needed to be given the right of initiative. And only through the granting of the right of initiative would the interest groups have sufficient time to express their views on what they considered to be matters of priority (4).

(1) See Mr E. ROCHE, "Une démocratie économique et sociale", in "Intérêts européens", No. 5, February 1964, p. 4.
ESC Selected Documents and Articles, No. 9/64, p. 5.

(2) See Mr J. GENTON (op. cit., p. 1, footnote 1), p. 33

(3) (Idem), P. 34.

(4) See J. GENTON (op. cit., p. 1, footnote 1) p.46

This recognition of the right of initiative was also the best way of enabling the ESC to give a satisfactory, coherent reply to questions referred to it by the Institutions. With no such right it was hard for the ESC to adopt an overall line on economic and social policy since virtually all the matters on which it was consulted by the Institutions were technical or sectoral in kind (1).

In other words, here was a Community body without the means needed to fully carry out all its duties. As a general rule (2), "an Institution does not find its *raison d'être* in some social function or in some ideology underlying this social function; an Institution derives its justification from the certainty of being able to carry out a political task stemming from the very nature of all organized "public life", i.e. to give shape to life in society ..." for the common good.

A large number of sectoral interests were represented on the ESC, but when the Committee discussed a matter and expressed its views thereon in an Opinion, the general purpose and aims of the European Communities were predominant. The general conclusions of Opinions were not the outcome of coercion but plausible arguments based on the "common good" (3).

In requesting that the ESC be given the right of initiative, was therefore not a question of "launching an all-out attack on the rules of the Treaties" (4) but of making it possible for the Committee to become an open forum where economic and social interest groups could give voice to their concerns.

(1) See Gerda ZELLENTIN (op. cit., p. 5, footnote 1), pp 127-128

(2) Wilhelm HENNIS "Politics and Practical Philosophy", quoted by Norbert KOHLHASE in his work "The New Notabilities - The Tasks of the ESC of the EC", Bulletin of the EC, No. 5/1965 - Selected Documents and Articles of the ESC, No. 29/1965.

(3) See W. HENNIS (op. cit., p. 39, footnote 3).

(4) Mr Italo MINUNNI (op. cit., p. 18, footnote 2), p.4.

According to a number of studies (1) such a reform was all the more necessary because of the clear inequalities in the ability - and hence influence - of the economic and social interest groups to gain access to the decision-making centres. Between 1961 and 1966 representatives of various interests and wage-earners did not have - outside the ESC - the stable and representative platform for inter-sectoral consultations needed to make their voices heard clearly by the Institutions. This was not the case with representatives of employers, however, who were organized from very early on.

For the trade unions, for example, the important thing was to create suitable European structures so that economic and social policy could be properly influenced at Community level. In this context an ESC with the right of initiative could have helped to make trade union action at Community level more coherent. According to the experience gained in the consultative committees of one specific sector (the organization of agricultural markets), the trade unions had much to gain from belonging to a body that was able to express its views on the major economic and social issues of European integration (2). This was all the more so because, as a collective body, the ESC represented many different sectors (3) and so was able to discern the economic and social realities of the Communities much better than consultative committees comprising representatives from just one sector of the economy.

(1) See L. MEGRET, J.V. LOUIS, D. VIGNES, M. WAELBROEK, "Le droit de la CEE", Vol. 7, pp. 107 and 108, Brussels 1973. See also J. MEYNAUD, S. SIDJANSKI (op. cit., p.25 footnote 2), p. 560.

(2) Thus there could well have been a certain amount of pressure to swiftly bring into existence genuine trade union structures at European level. See here MEYNAUD, SIDJANSKI (op. cit., p. 25, footnote 2), p. 660.

(3) BERNARD, LAVAL, NYS (op. cit., p. 5, footnote 2), p. 197.

3. The Bureau of the ESC and the Chairmen

In 1962 the then Chairman of the ESC, Mr Emile ROCHE, laid particular emphasis on the need for "economic democracy" a concept he undoubtedly considered fundamental to the Committee's work.

A great responsibility lay on the shoulders of the ESC in the early sixties before there had been the political follow-up (for which some provision was made in the Treaties) needed to provide the Communities with a vital democratic counterweight to the power of the Commission-Council tandem, both Institutions of complex legal origin. After all, the duty and purpose of the ESC was to be one of the active elements in the fabric of economic democracy (1). Although Mr ROCHE felt that "the authorities responsible had never hesitated to consult the ESC on all basic problems relating to implementation of the Treaties", this was no substitute for freedom to act on own initiative - the freedom most likely to guarantee the vital independence of the ESC within the framework of economic democracy (1).

It is not surprising therefore that at a press conference held in October 1962 (2) Mr. ROCHE argued in favour of full recognition of the right of initiative for the ESC. Drawing attention to the spirit of the Treaties and to their interpretation - both of which pointed to the possibility of the ESC tackling subjects not entirely technical in character - Mr ROCHE stressed that the Committee could not properly fulfil its function if it restricted itself to certain specific subjects.

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- (1) See statement made by Mr ROCHE on his election as Chairman of the ESC at the 22nd Plenary Session of 4 May 1962, Doc. CES 129/62, Appendix 4, p. 6.
 - (2) Press conference following an official visit paid to the Italian Government on 19 October 1962, quoted by ZELLENTIN (op. cit., p. 5, footnote 1), p. 109.

This necessitated a new approach in the formulation of arguments intended to secure changes to the Rules of Procedure - changes that would meet the wishes of the many members of the Committee who had urged that the ESC be given the right of initiative (1).

Referring by analogy to the powers conferred on institutions with a consultative function in the various Member States of the Community (2), several members of the ESC thought that it was about time the Committee be given the same rights (3). In 1962 members of the ESC advocated that the Chairman be given the right to convene a meeting of the whole Committee or of specialized sections, without the ESC having to be consulted beforehand by the Council or the Commission.

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- (1) Memo submitted by Mr Guy VANHAEVERBEKE for the attention of the Secretary-General of the ESC on 18 October 1962.
 - (2) Belgium (CCE and CNT): Article 3 of the Standing Orders of the Central Economic Council - Article 1 of the Organic Law of the National Labour Council
France (CES) : Article 3 of the constitution of the Economic and Social Council - Article 28 of its Rules of Procedure.
Italy (CNEL) : Article 12 of Law No. 33 of 5 January 1957.
Netherlands (SER): Article 41 of the Industrial Organization Act of the Netherlands.
Luxembourg (CES): Compendium of legislation on the Economic and Social Council (Article 2(1) - Articles 27 and 34 of its Rules of Procedure
ECSC: Article 6 of the Rules of Procedure of the ECSC's Consultative Committee - see R/CES 374/71
For Denmark (EC), Great Britain (NEDC), Ireland (NESC): see R/CES 124/77 "The Consultation Machinery of the Community".
 - (3) Draft report of the "ad hoc" Group set up to revise the Rules of Procedure - R/CES 275/62 of 5 November 1962.

Following the presentation of the Commission memorandum on the Community's Action Programme, this attitude remained the predominant one during the second phase. All the members of the ESC were aware of the fact that in examining economic problems they were at the same time confronted by questions of economic and political democracy. Despite the divergencies in their interests and political convictions they agreed to give thought to the role of the Institutions, and particularly that of the ESC, in the decision-making process (1).

It should be mentioned here that the Commission submitted its Memorandum (2) on 26 October 1962, although the ESC had already taken cognizance of this document earlier and had contemplated allowing each of its specialized sections to draw up a report on the subjects dealt with therein (3). A little later, on 28 November 1962, the President of the Commission, W. HALLSTEIN, made a statement on the Memorandum before the ESC, saying that "the Commission was most interested in the reaction of the ESC and would pay serious attention to whatever the Committee thought worthy of bringing to its notice" (4).

Under Article 17 of the Rules of Procedure a sub-committee was set up to work on this "reaction". At the various meetings of the sub-committee the idea became firmly established that so-called economic integration was essentially a political phenomenon and that political integration had already begun with the gradual realization of the Economic Community (5).

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- (1) See Doc. CES 35/63, p. 3; Doc. CES 63/63, p. 7 et. seq. and Doc. CES 126/63, p. 4.
 - (2) Commission Memorandum of 24 October 1962, Doc. COM(62) 300.
 - (3) See E. ROCHE, meeting of the Bureau of 29 October 1962, Doc. R/CES 270/62 Appendix.
 - (4) Doc. CES 325/62 Appendix 1.
 - (5) Working document of the sub-Committee on the Action Programme (Doc. CES 35/63 of 23 January 1963).

In consequence, most of the members drew attention during discussion of the Commission Memorandum to the institutional problems posed by the implementation of the Action Programme. They stressed in particular the need for the Community to become more democratic, e.g. by conferring on the Committee the right of initiative, and so consolidating its authority (1).

Once more it was a question of giving the representatives of the major economic and social forces their proper place within the new equilibrium - no more no less.

Although the efforts made between 1961 and 1963 were crowned with success only in 1972 - the year the ESC was finally given the right of initiative - this did not mean that they had been entirely in vain in the meantime.. First of all they had led to the Institutions adopting a new attitude in the light of the work and the importance of the role of the ESC. Secondly they had also taken the form of a series of concrete proposals on amendments to the Rules of Procedure and these had paved the way for the 1972 solution.

B. CONCRETE TEXTUAL PROPOSALS

We shall first of all examine the two procedures adopted for the revision of the Rules of Procedure (2), with particular reference to the attempts made to institute a right of initiative. We shall then examine the action taken by the Chairman of the Committee, Mr KUIPERS, between 1970 and 1972 in conjunction with the work of the ESC and its "ad hoc" working group responsible for carrying out the second revision of the Rules of Procedure (3).

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- (1) Opinion of the ESC on 29 May 1963, OJ of the EC of 29 December 1963, No. 189/63.
 - (2) Article 54 of the Rules of Procedure of 1958 and Article 61 of the Rules of Procedure of 1968.
 - (3) Which will then take the name of the "Rules of Procedure Panel".

1. First Revision of the Rules of Procedure (1961-1968)

At the request of various members, a Study Group was set up in November 1961 with the task of undertaking a preliminary draft revision of the Committee's Rules of Procedure (1). Three types of suggestions emerged from this preliminary draft revision, (a) those relating to matters of form only, e.g. the actual drafting of ESC documents, (b) those concerning the work of the Committee and its Sections, and (c) those relating to more crucial matters such as the position of the Committee in the Community's institutional machinery and, in particular, freedom of initiative (2).

It was then decided on the basis of Article 54 of the Rules of Procedure of 1958 to set up an "ad hoc" working party of 15 members with Mr SERWY as Rapporteur (Group III) to prepare a revision of the Rules of Procedure.

The Committee was all the more favourably disposed to such action because, as we have already shown (3), it had become familiar with the possibilities offered to other consultative institutions in various Member States.

The idea emerged from discussions held at the time that in view of opposition from the Council and a number of Member States the best solution would be to introduce the concept of the right of initiative into those passages dealing with the powers of the Chairman. What was needed was to confer on the Chairman of the Committee the right to convene a meeting of the Committee or of its specialized sections without the need for prior consultation by the Institutions (4).

(1) Memo of 13 November 1961.

(2) 23rd Plenary Session of 16/17 July 1962 (CES 202/62).

(3) See page 43.

(4) Doc. 275/62 of 5 November 1962.

This approach stemmed from the fact that a number of members, although aware of the advantages to be gained from giving the ESC the right of initiative considered that this would only be legally possible if the Articles of the Treaties relating to the Committee were revised.

A private exchange of views also took place between representatives of the legal department of the Council and the Commission on the one hand and Mr MASOIN and Mr SERWY, Chairman and Rapporteur of the "ad hoc" group on the other. The outcome of these talks was that an amendment of the Rules of Procedure was not considered opportune for three reasons (1).

From a legal point of view it was still held that the provisions of the Treaties offered no basis for conferring the right of initiative on the ESC. From a political point of view the Institutions (and particularly the Council) did not seem to be inclined to officially accept an expansion of the Committee's terms of reference.

Finally, as far as current reality was concerned, it was pointed out that the attitudes of the Council and the Commission were sufficiently flexible to offer hope of an increase in the Committee's freedom of action some time in the future.

Four possibilities were entertained at the second meeting of the "ad hoc" working group, namely:

- intensifying the practice of requesting the Committee to deliver Opinions;
- reinforcing the above practice by inserting an appropriate provision in the Rules of Procedure;
- giving the Committee permission (provided a fixed majority of votes were obtained) to invite the Institutions to refer matters to it;
- obtaining full recognition of the right of initiative for the ESC (2).

(1) See memo of 18 October 1962 from Mr Guy VANHAEVERBEKE to the Secretary-General of the ESC.

(2) Second meeting of the "ad hoc" working group of 15-16 November 1962 - R/CES 291/62.

After the various options had been weighed up and the fears of the ESC taken into consideration, a compromise solution was worked out. This was based on the ways in which successive Committee Chairmen had actually tackled the matter in the past.

In the course of his duties the Chairman had regular contacts with the Council and the Commission. It was therefore suggested that he be given the task of putting the Committee's case to these Institutions. (1)

The only bone of contention was whether or not it was necessary to specify a qualified majority for setting the initiative procedure in motion. (2)

This issue faded into the background, particularly when a legal expert at the Commission stated (3) that in strict law, any move to grant the Committee a right of initiative would be incompatible with Articles 196 (third paragraph) and 198 (first paragraph) of the EEC Treaty and to Articles 168 (third paragraph) and 170 (first paragraph) of the EAEC Treaty.

The Chairman of the ad hoc Group was afraid that the institutions would veto any over-ambitious proposals and this additional legal barrier induced him to state that "there was nothing to prevent the Committee from appointing the Chairman as its spokesman, who would moreover have the task of apprising the Council, and the Commission of the Committee's views" (4). The Committee endorsed this formula (5).

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- (1) Addendum to the draft SERWY Report dated 5 September 1962 (Doc. R/CES 275/62)
 - (2) Doc. R/CES 6/62 of 20 and 21 December 1962
 - (3) In this connection see draft SERWY Report (Doc. R/CES 261/63 of 1 July 1963)
 - (4) Cf SERWY Report (Doc. CES 261/63 of 2 September 1963)
 - (5) 36th Plenary Session held on 28 and 29 April 1964 (Doc. CES 252/63 fin.)

This compromise did not go much further than the similar moves when the first version of the Rules of Procedure was being drafted (1).

Moreover, despite the shift in attitudes to the role of consultation in the Community economic and social decision-making process, it was by no means certain that this proposal would win the support of the "powers that be". Mr E. ROCHE, Committee Chairman, had to inform the President of the Commission, Mr W. HALLSTEIN that, in the interests of conciliation, the Committee had decided to drop its demands for a fully-fledged right of initiative (2).

Although some Member States were in favour of giving the economic and social interest groups a bigger say, others expressed serious misgivings on the grounds that they were afraid of exceeding the provisions of the Treaty (3).

The Council endorsed these fears and finally dismissed the ESC proposals. It agreed only to record in the Minutes that "the Council notes the Economic and Social Committee's intention to submit to it, where appropriate, requests to be consulted on specific issues. The Council will continue to examine favourably any suggestions submitted to it" (4).

This statement sparked off a succession of bitter exchanges and Mr SERWY declared that "the Council's attitude was a blow to the hopes of the representatives of economic and social activity who by their work within the Committee had always demonstrated their desire to play their part in the European venture. The Council's attitude would give the impression that political forces were opposed to regular institutional involvement of the economic and social interest groups in the Community's work" (5).

(1) Cf. pages 8 and 9 above.

(2) Letter dated 15 May 1964 from Mr E. ROCHE to Mr Walther HALLSTEIN, President of the Commission of the European Economic Community.

(3) Extract from Agence Europe of 19 December 1964.

(4) Memo from the Council Secretary-General dated 28 April 1965.

(5) Mr SERWY's comments on the proposed Council amendments to the draft revised version of the ESC's Rules of Procedure. R/CES 193/65 of 14 May 1965.

Mr SERWY also stated that "unless they were properly involved in the Community's work on a regular basis, the economic and social interest groups might well be tempted to resort to other methods", particularly in view of the fact that under the ESC's extremely modest proposals, "the executive bodies retained the final say in any decision to consult the Committee."

Subsequently, on 10 October 1966 ESC representatives had talks with delegations from both the Council and the Commission. At this meeting, Mr MAJOR, ESC Chairman, stressed that when working out the role of the Committee, it was completely illogical to ignore powers enjoyed by its national counterparts (1). He felt moreover that there was some misunderstanding about the scope of the right of initiative requested by the Committee. The Committee's Bureau could give favourable consideration to a revamped proposal stipulating that:

- The Chairman shall be responsible for relations with the Council and the Commission;
- The Chairman shall be accountable to the Committee for any proposals he makes or any actions he takes on its behalf at joint meetings with either the Commission or the Council.

Mr MAJOR reiterated Mr SERWY's earlier statement that the compromise envisaged by the Committee was in no way prejudicial to the Committee's right of initiative being raised again at the forthcoming negotiations on the merger of the Communities (2).

This compromise was finally adopted, which meant that the final version of Article 9 of the revised Rules of Procedure reflected the wording proposed by the Bureau itself (3). Nevertheless it was a bitter disappointment to those people who had pinned so much hope on the revision of the Rules of Procedure. Attempts to secure the ESC greater freedom of action had ended in failure.

(1) See page 43.

(2) This merger would automatically involve a revision of those sections of the Treaty which dealt with advisory bodies like the ESC and the ECSC Consultative Committee.

(3) Summary Report, CES 190/67.

2. The Second Revision of the Rules of Procedure (1971-1972)

On 28 September 1971 the ESC Bureau set up a panel to revise the Rules of Procedure, with a view to securing the right of initiative. At its 99th Plenary Session held on 24 November 1971, the Committee invoked Article 61 of the 1968 Rules of Procedure in order to permit such revision. The Committee empowered the ad hoc Panel (1) to examine the Rules from start to finish. This initiative was taken against the background of moves to amend the Treaty and the imminent enlargement of the Communities.

The drafting of a text on the right of initiative raised both fundamental and practical problems. Firstly (2) the Panel had to avoid falling into the trap of being too vague or asking too much. Secondly it had to bear in mind (3) that while there was a substantial majority in favour of the right of initiative, there were differences of opinion within the ESC itself about how this right should be defined. Finally, the Council had always been extremely reticent on this issue even though, as Mr KUIPERS had pointed out, prestige was not involved. The Committee was merely seeking, to enhance its influence vis-à-vis the Institutions.

The ESC's hopes had subsequently to be tailored to prevailing circumstances. In fact, contrary to original plans, the revision of the Treaties was postponed until enlargement of the Communities. Nevertheless the Chairman of the Panel on the Rules of Procedure stated that those sections of the Rules which dealt with referrals could still be amended to secure the Committee the right of initiative.

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- (1) Chairman, Mr. BOULADOUX, Group II - Workers, Rapporteur, Mr MAMERT, Group III - Various Interests.
 - (2) As pointed out by Mr. ASCHOFF (then Chairman of Group III - Various Interests) at a meeting of the Bureau's select working party on 22 June 1971 (R/CES 424/71 of 22 June 1971).
 - (3) Speech by Mr. BERNS, Group III - Various Interests, idem.

In this connection the Rapporteur floated the idea of adding a fourth paragraph to Article 20 which dealt with referrals (1).

The proposal was : "At the request of a majority of its members the Committee may be convened in order to give an Opinion on a specific issue submitted in advance to the Bureau for investigation." Mr. MAMERT pointed out that it would be difficult to specify the size of the majority needed to implement the right of initiative. He also queried the wisdom of requiring the Committee Chairman to inform the Council and the Commission about any ESC meeting convened in connection with an initiative Opinion (2).

This version was finally accepted at the 104th Plenary Session held on 28 and 29 June 1972 (3). With an eye to the forthcoming Paris Summit Conference, the Committee was thus clearly calling for a more important role and wider terms of reference.

We have not gone into detail about the work involved in the second revision of the ESC's Rules of Procedure, since the initiative and the discussion was largely based on the first revision. It is moreover important to consider the following dates :

- 1968 - 2nd Rules of Procedure
- 1971 - Second revision

in order to realise the continuity and perseverance of the ESC's work.

A rapid comparison of the two procedures highlights the following features :

On the occasion of the first revision of the Rules of Procedure, the Committee demanded a right which analysis had shown to be necessary, not to say crucial, to the proper running of the ESC. The Committee's proposals

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- (1) Since the proposed revision of the Treaties had been dropped it was no longer possible to make recommendations about amendments to Article 198 of the EEC Treaty and Article 170 of the EAEC Treaty.
 - (2) Minutes of the 7th meeting of the Panel on the Rules of Procedure held on 9 June 1972; R/CES 422/72.
 - (3) 104th Plenary Session of 28 and 29 June 1972; CES 470/72.

had been emasculated by opposition from various quarters. The second attempt was made in a radically different political climate. The executives - not the Communities - had been merged in July 1967. The new Member States were knocking at the door. Governments had changed in some Member States (1) and this had led to shifts in economic and social policy.

All these factors were instrumental in creating the radically changed atmosphere surrounding the second revision of the Rules of Procedure. Opposition was now fragmented. Approaches differed to varying degrees. The ESC's request was felt to have a reasonable chance of success. It should be noted here that the Chairman, Mr KUIPERS did Trojan work to enlist the support of several Governments for the right of initiative (2).

3. Steps taken by Mr KUIPERS, ESC Chairman

On 10 November 1970 Mr. KUIPERS made his first significant contact with the Council President, Mr Walter SCHEEL (3). Following these talks, Mr. KUIPER announced that Mr SCHEEL "attached considerable importance to the ESC's work". Mr SCHEEL would also ensure that the Committee would be consulted about enlargement of the Community as it had requested (4).

On 14 February 1971 Mr KUIPERS had talks with the Commission and its President, Mr MALFATTI, on the Committee's current and future role in the Community. Discussion focussed on the "Council's formally expressed intention to involve the representatives of economic and social activity more and more closely in the administration of the economic and monetary union" (5).

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- (1) In France and Germany
 - (2) At the same time as the Rules of Procedure were being revised by the ESC.
 - (3) Then President of the FDP Liberal Party (one of the parties in the German Coalition Government) and Minister of Foreign Affairs.
 - (4) Cf. Appendix to the minutes of the 90th Plenary Session held on 25 and 26 November 1970. CES 591/77 Appendix 2.
 - (5) Cf. 93rd Plenary Session held on 24 and 25 February 1971 CES 151/71, Appendix.

During his official visit to Italy, Mr KUIPERS discussed the right of initiative in even greater detail at talks on the role of representatives of economic and social activity in drafting political decisions (1). After an official visit to Belgium, Mr KUIPERS was able to state that the ESC's concern to play a more active role in building Europe was widely recognized (2).

Mr. KUIPERS then paid an official visit to Germany, where he was received by President HEINEMANN and Mr SCHEEL, Minister for Foreign Affairs. From these talks emerged the first concrete results of the series of high-level diplomatic contacts. Having raised the possibility of extending the ESC's powers, Mr KUIPERS was able to conclude that his visit had been successful (3).

On 15 December 1971 Mr KUIPERS met President POMPIDOU of France, who was "exceptionally well disposed to the Committee's desire for official recognition as a Community institution armed with the right of initiative" (4). The French support for the right of initiative was further cemented by Mr KUIPERS' talks with Mr. ROCHE (5), who had been elected President of the French Economic and Social Council.

At a ceremonial Committee Session (6) Mr KUIPERS reinforced the impression that victory was within the Committee's grasp. He told members that there was "every reason to expect that the Committee's stature would be increased". Referring to contemporary governmental structures, he stated that no one any longer questioned "the need to institutionalise joint consultation". It was therefore clear that "the Community Institutions must be strengthened" and "... our understanding of this is that the ESC should be granted the right of initiative" (7).

(1) Cf. 94th Plenary Session, CES 217/71

(2) Cf. 95th Plenary Session, CES 345/71

(3) Cf. 99th Plenary Session, CES 735/71

(4) Cf. Appendix to the minutes of the 100th Plenary Session, CES 52/72, Appendix 1, page 3

(5) ESC Chairman from 1962-1964.

(6) Cf. 100th Plenary Session held on 26 and 27 January 1972 CES 52/72 Appendix 2.

(7) The Groups, which had constantly supported calls for the right of initiative, did so again (op. cit., page 23, footnote 1) and pages 23 and 37.

Before leaving office, Mr KUIPERS discussed the ESC's future with the Council and Commission Presidents. The Council President assured him that the Committee's request for a right of initiative would be on the agenda of the Paris Summit Conference (1). In his valedictory address, Mr KUIPERS had already stated his conviction that the Council would react favourably to a Committee request for the right of initiative (2). There was every reason for optimism.

III. CONFERRAL OF THE RIGHT OF INITIATIVE AND ITS INITIAL APPLICATION

A. THE DECISION CONFERRING A RIGHT OF INITIATIVE ON THE ESC

1. The Paris Summit Conference (19-20 October 1972)

The Communiqué issued at the end of their meeting by the Heads of State or of Government of the six original and three new Member States contained the following passage about the ESC :

"They (the Heads of State or Government) invited the Community Institutions to recognize the right of the Economic and Social Committee in future to advise on its own initiative on all questions affecting the Community."

The principle of the ESC's right to give its unsolicited Opinion at any time on any matter of interest to the Community had thus been recognized. This success was much greater than the Committee had hoped for in its previous attempts by means of amendment of the Rules of Procedure in that the right was recognized as extending to all the fields covered by the EEC and EURATOM TREATIES (3).

Winning the right was the culmination of years of persistent support for the idea by the majority of the Member States and the Commission, coupled with a change of heart on the part of the German Government.

(1) Cf. Minutes of the 128th meeting of the ESC Bureau on 26 September 1972 (R/CES 599/72)

(2) Cf. 104th Plenary Session held on 28 and 29 June 1972, CES 470/72, Appendix 1

(3) See below page 53.

The governments of the Benelux countries, Italy and France, backed by their national employers' organizations and unions, had supported the ESC's claim for many years. At the 1972 Paris Summit, France, which was in the Chair, managed to steer the Conference in the right direction. The ESC's case also had the support of the Commission, which was keen on knowing the views of the various economic groupings as soon as possible. The breakthrough came when Germany lifted the 15 year-old veto it had exercised in the Council on the various revisions of the Rules of Procedure.

Let us dwell for a moment on the German Government's change of attitude. It was due to a complete change of approach towards participation by interest groups in national and Community decision-making on economic and social matters.

During Ludwig ERHARD's period as Economic Affairs Minister (until 1963) and afterwards as Chancellor (from 1963 to 1966), the Government was wary of any attempt to bring interest groups in an advisory capacity into decision-making because it was felt that this would go against the free market economy principle.

However, as was shown by the 1966-1967 recession in Germany, a certain amount of planning in the Federal Government's and the Länder's economic and financial policies had become essential. The "Great Coalition" (1) again had to face up to stark economic and social realities, and this led to its enactment of the "Law to Promote Stability and Economic Growth" (2) introducing five-year plans for the budget (3).

(1) CDU-CSU and SPD

(2) "Gesetz zur Förderung der Stabilität und des Wachstums der Wirtschaft" of 8 June 1967, BGBl. I., p. 582, amended by the Law of 18 March 1975, BGBl. I., p. 705

(3) The Law also provided for planning of the five-year investment programme of the various German Ministries (pp. 9-10 of "Stabilitätsgesetz"). The investment programmes had to fit into an overall economic stability policy ensuring stability of prices, a high level of employment, external equilibrium and a sufficient rate of growth.

As collective bargaining between employers and unions could have a considerable impact on the proposed Federal Government and Länder plans for wages, prices, employment and investment. Section 3 of the Law provided for concerted action between the Federal Government, the Länder, the unions and the employers' associations. Germany thus clearly recognized the importance and influence of the big interest groups on decisions in these areas (1).

Having changed its attitude towards the involvement of the interest groups in the crucial decisions of economic and social policy, the German Government could no longer maintain its opposition to the right of initiative for the Committee, which would make possible an effective expression of views of those interest groups at European level.

Meanwhile, the German DGB had mounted a campaign to win acceptance for a new system of concertation with wider aims and on a larger scale than that provided by the "Stabilitätsgesetz" (2). Under it, the consultation and joint decision-making approach would be applied to the whole field of economic and social policy. The DGB proposed for this purpose the setting-up of an Economic and Social Council at Federal level and similar Councils at Länder level (3).

So it was that finally in 1972, Chancellor Willy BRANDT decided it was time for an initiative to be taken on behalf of Community-level involvement of the interest groups, and included in a memorandum prepared for the Paris Summit a call for recognition of the right of initiative of the ESC, which should become the chief forum for dialogue, concertation and consultation between the Council, the Commission and the interest groups.

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- (1) See also article by Mr RHEIN, "Europäische konzertierte Aktion", in : Europa-Archive, 31st Year, No. 15/1976.
 - (2) See, for instance, the article, "Why our claim to be associated in decision-making still holds" in : "Welt der Arbeit" (the DBG journal), No. 7, 14 February 1969; reprinted in ESC's series of Selected Documents and Articles, No. 40/69.
 - (3) Controversy still surrounds this idea in Germany. See, for instance, the Report of the Committee of Enquiry on Institutional Reform, set up by the Bundestag, in : "Drucksache 7/5924, Deutscher Bundestag, 7. Wahlperiode", pp. 115-119.

Associating the citizen and the social partners in decision-making, the German Government argued, would make sure that the policies in the social field were in keeping with the real needs.

This proposal reflected the position which the DGB had stoutly defended (1), namely that as the Community moved towards economic and monetary union, the interest groups should be brought into decision-making to a greater extent and that this involvement would help to give political impetus to these new moves.

The fact that the ESC was a meeting place between the interest groups and the Community Institutions, the memorandum said, made the Committee an ideal forum for this participation (2).

2. Incorporation of the Right of Initiative in the Rules of Procedure (1974)

After the Paris Summit Conference, the ESC quickly set to work putting the decision into practice, firstly by immediately beginning to exercise the right, and secondly by endeavouring to get the right incorporated in its Rules of Procedure (3).

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- (1) According to information given to the Studies and Research Division by Mr Helmut RIES, former Chef de Cabinet of Chairman LAPPAS, Mr LAPPAS helped to swing the German Government in favour of recognition of the right of initiative for the ESC at meetings between representatives of the DGB and Mrs Katharina FOCKE, then State Secretary at the Chancellor's Office.
 - (2) Chancellor Willy BRANDT's memorandum, "Deutsche Initiative für Massnahmen zur Verwirklichung einer europäischen Sozial- und Gesellschaftspolitik".
 - (3) The ESC's right of initiative was not officially conceded until February 1974. The Committee was, however, able to make good use of this period to revise its Rules of Procedure.

Immediately on taking office as Chairman in September 1972, Mr. LAPPAS met the President of the Council and told him that the ESC was determined to make full use of the freedom of initiative finally granted to it. He informed the President that the ESC had set up a working party to report on the implications of the Summit decision for the Committee's future activities, and that once the Council had approved the new Rules of Procedure, it was likely that the ESC would start to express Opinions on its own initiative (1).

Afterwards, in his account of the interview with Mr. MANSCHOLT, the President of the Commission, the Committee Chairman said that the main topic had been the right of initiative, and that the President of the Commission had wanted to see this right interpreted in a wide sense as authorising the Committee forthwith to consider any matter without waiting to be consulted by the Council or Commission (2).

This wide interpretation was the one adopted by the ESC, when at its Plenary Session of 29/30 November 1972 (3), it endorsed the position taken up by its Bureau at its meeting on 28 November, and asked the Sections to suggest subjects on which the Committee should exercise its right of initiative (4).

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- (1) ESC Press Release of 31.10.1972, PR 29/72 (771).
 - (2) 130th meeting of the Bureau on 24.10.1972, Doc. R/CES 709/72.
 - (3) At this Session the new draft Rules of Procedure providing for the right of initiative called for during the second revision of the Rules and recognized by the Paris Summit were adopted.
 - (4) See e.g. Doc. CES 43/73 and Doc. R/CES 170/73 rev. item 4 of 136th meeting of the Bureau.

Later (1), the Bureau laid down a procedure for deciding on exercise of the right: "applications that the Committee give its Opinion on a subject without being asked to do so by the Council or the Commission must first go before the Bureau. The Bureau decides whether to put the application before the full Committee, where the application is decided by a majority of the Committee Members; ... applications must be submitted to the Bureau in writing by a Section, a Group, or at least five Members of the Committee; ... applications must be fully explained and documented and give a clear statement of the subject matter" (2).

This procedure was used until 1974, when the Council of Ministers officially recognized the ESC's right of initiative (3).

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- (1) 142nd meeting of the Bureau on 28 November 1973, Doc. R/CES 787/73.
 - (2) It is worth noting that five Opinions were issued on the Committee's own initiative before the entry into force of the new Rules of Procedure in 1974. They were:
 - GATT (overall approach), 111th Plenary Session of 23/24 May 1973; Doc. CES 438/73 A and Ann. and 449/73 PR + App., in: OJ No. C 115 of 28.9.1974;
 - Industrial and Technological Policy, 115th Plenary Session of 28/29 November 1973; Doc. CES 881/73 A + App., and 889/73 PR, in OJ No. C 115 of 28.9.1974;
 - Economic and Monetary Union, 116th Plenary Session of 12/13 December 1973; Doc. CES 928/73 A + App., and 934/73 PR + Add., in OJ No. C 115 of 28.9.1974.
 - Common Agricultural Policy, 118th Plenary Session of 27/28 February 1974;
 - GATT (Agricultural aspects), 118th Plenary Session of 27/28 February 1974; Doc. CES 215/74 A and 225/74 PR, in OJ No. C 115 of 28.9.1974
 - (3) Letter from the President of the Council to the Chairman of the ESC, dated 12.1.1974, printed in ESC Basic Documents, Part 1, p. 23.

The new Rules of Procedure adopted by the ESC at its 108th Plenary Session on 29/30 November 1972, which were approved by the Council at its meetings on 15 January 1973 and 4 March and 13 June 1974 and became effective in their entirety (1) on the latter date, contained a fourth paragraph in Article 20 :

"It (the Committee) may be convened by its Chairman, on a proposal from its Bureau and with the agreement of the majority of its members, to deliver, on its own initiative, Opinions on any question pertaining to the tasks assigned to the European Economic Community or the European Atomic Energy Community".

This Article shows that freedom of initiative is exercised by the Assembly and not by the Chairman (2). It has given much more political weight to Committee Opinions.

It is to be noted that the right of initiative may be exercised in respect of "all questions affecting the Community" (text of Communiqué of the Heads of State or Government at the Paris Summit, which was confirmed when the Council, on 12 February 1974, formally recognized the right).

The subjects the ESC can advise upon under its right of initiative thus range from Community economic and social policy to institutional matters and the general direction of Community policy.

As Community integration is a continuing process, the topics with which the Committee may deal are not restricted to areas in which integration is already at an advanced stage, but may also concern areas in which integration has hardly been started, so that the interest groups in the ESC can in such cases demonstrate their desire to see progress made. (3)

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- (1) The new 4th paragraph of Art. 20 of the Rules of Procedure entered into force on 4 March 1974.
 - (2) Original Rules of Procedure, p. 8 and 9, first revised version of Rules of Procedure, p. 46 et seq. In both these cases it was proposed to include the right of initiative among the powers of the Chairman of the Committee.
 - (3) To name one recent example, the ESC Opinion on the relations between East and West Europe in the transport sphere.

As we will see further on in detail (1), the ESC's role, though still advisory, has become more dynamic thanks to exercise of the right of initiative.

An examination of the various means of expression (2) offered by the Committee's Rules of Procedure and its right of initiative - recognized at both the highest political level in the Community (the 1972 Paris Summit) and by the Community's decision-making Institution (the Council) - shows that the ESC can directly participate in and give impetus to European integration. Its scope for action in the consultative process thus exceeds the bounds originally laid down in the Treaties (3).

B. USE OF THE RIGHT OF INITIATIVE

1. Procedure used in 1974 and 1975

As explained earlier, the procedure prior to the entry into force of the 1974 Rules of Procedure was as follows. First, the Sections were asked to go into subjects which might be dealt with in own-initiative Opinions. Then, at the proposal of the Bureau the Plenary Assembly decided by a majority what action should be taken (4). This procedure remained in force until 1976.

At the request of the then Chairman, H. CANONGE (5), a critical appraisal was carried out in April 1976 of the first uses to which the right of initiative had been put. The aim of this appraisal was to coordinate the various proposals for using the right of initiative and plan recourse to the right of initiative within the framework of the normal work of the ESC. This operation (6) revealed that certain aspects of the way in which the right of initiative had been implemented seemed to contrast with the aims which had been put forward during the negotiations to obtain the right of initiative. That is to say:

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- (1) See below pp. 105, 106 and 107.
 - (2) Mainly by Opinions which are voted.
 - (3) See Articles of Treaties providing for consultation of the ESC, p. 21.
 - (4) See above pages 50, 51 and 52.
 - (5) Letter from Chairman H. CANONGE to the Section Chairmen, 15 January 1976 No. 147/76.
 - (6) See Document R/CES 415/76 item 5 - 172nd meeting of the Bureau of the Committee, 27.4.1976.

- most own-initiative Opinions concerned documents on which the Commission and Council had not considered it necessary to consult the ESC. Issuing an own-initiative Opinion in no way made up for the fact that the Committee was taking a stand on a text that had already been drawn up (and therefore its Opinion was often too late) and on a subject which the consulting Institutions had already selected in the light of their own idea of what the priorities were. This meant that the Committee's action was limited in its importance and in its impact from the very outset;

The Opinions dealt with issues that were important to certain socio-economic groups, but, generally speaking, they were not concerned with major issues which were capable by their topicality and their more political character of increasing the importance of the ESC's task and role within the European machinery;

- only a few own-initiative Opinions (the minority) tackled subjects concerned with general policy. As a result, indirectly the ESC was returning to the restrictive practice of the years in which there was no right of initiative (1). Because of this limited use of the right of initiative the major European socio-economic organizations were not encouraged to choose the ESC more regularly as a forum for discussion and dialogue on issues of particular concern to them (2);
- on aggregate, the subject matter of own-initiative Opinions was selected piecemeal and on an essentially sectoral basis. There was no overall concept at any given time of what objectives were being pursued. In other words, use of the right of initiative was not preceded by a general discussion and had not been sufficiently well defined. Such discussion should have concentrated on the practical possibilities that the own-initiative Opinion opened up as an instrument for involving the socio-economic groups in the decision-making process.

(1) See pages 16, 17 and 18 above.

(2) See A. LAPPAS, ESC Press Release of 29 November 1972, PR 32/72 (787).

Indeed, "by inviting the Section Bureaux to make proposals at the same time it was possible to achieve a certain consistency between these proposals" (1) and to take up these proposals in the light of the "most important features of the European and world situation". Accordingly, more precise guidelines designed to get round these disadvantages were laid down by the Bureau at its 172nd meeting, held on 24 April 1976 (2).

2. Planning of the Use of the Right of Initiative as from May 1976

The criticism of the manner in which the right of initiative had been used led the Bureau, at meetings on 27 April and 24 May 1976, to adopt a new plan which was designed to ensure that (3) "the implementation of the right of initiative conformed with a general policy to be defined by the Bureau".

Accordingly, the Bureau drew up standing orders defining how the right of initiative was to be used. These orders (4) stipulated that the use of this procedure should be planned each year, in the light of the Communities' activities and the Committee's overall workload. To this end, the Sections must endeavour to include their proposals for own-initiative work in their own programmes of work.

At the beginning of each year, the Sections should therefore examine the topics within their terms of reference that are due to become the subject of Community measures or deserve special attention, and decide in which cases it would be expedient to anticipate the request for an Opinion, expand on a previous Opinion or draw up an own-initiative Opinion.

The Section's anticipated work schedules should as far as possible be in the possession of the Committee's Bureau at the start of each year so that a plan of work can be drawn-up.

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- (1) See Doc. R/CES 415/76 item V, 172nd meeting of the Bureau, held on 27 April 1976.
 - (2) See Doc. R/CES 491/76, 172nd meeting of the Bureau of the ESC, extraordinary meeting of 27.4.1976.
 - (3) Statement by Mr DE BRUYN at the 172nd meeting of the Bureau of the ESC, 27 April 1976 - Doc. R/CES 491/76.
 - (4) ESC Basic Documents, Part III; the Bureau's Standing Orders, pp. 10 and 11.

This planning of the use of the right of initiative was carried out in 1976, but not thereafter. There were several reasons for this :

- some members felt that planning would lead to an excessive use of the right of initiative. They thought that the right to draw up Opinions outside the normal consultation procedure was a precious instrument which should be employed judiciously, otherwise its value would be reduced to nought (1);
- according to other members, planning the use of the right of initiative would deter the Committee from Undertaking work on topical themes (2). They thought that it would be difficult to decide in advance which major topics of current interest were going to arise. In addition, the Commission's work programme did not always correspond to the Committee's;
- finally, there were practical problems; some Sections could not agree on the choice of subjects from amongst the various themes offered them (3); the Bureau did not like the fairly complex and time-consuming procedure of overseeing the preparation of the plan, nor the fact that for many subjects it did not have sufficient information to take a decision with a full knowledge of the facts (4).

3. Present procedure

The present procedure for using the right of initiative is broadly similar to the previous procedure. At its meeting on 17 and 18 April 1980 in Venice the Bureau made a few more changes in its Standing orders and adopted the following rules :

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- (1) Cf. minutes of Group I meeting of 27 April 1977.
 - (2) Cf. minutes of Group III meeting of 27 April 1977.
 - (3) Cf. minutes of Industry Section meeting on 4 May 1977.
 - (4) Cf. minutes of 185th Bureau meeting on 13 June 1977.

"This procedure must be used only to draw up a formal Opinion which is voted on at a Plenary Session. It must not be used to produce work of an academic nature or hasty resolutions. Safeguards must therefore be attached to this procedure to ensure that it is not employed without the broad agreement of the Committee.

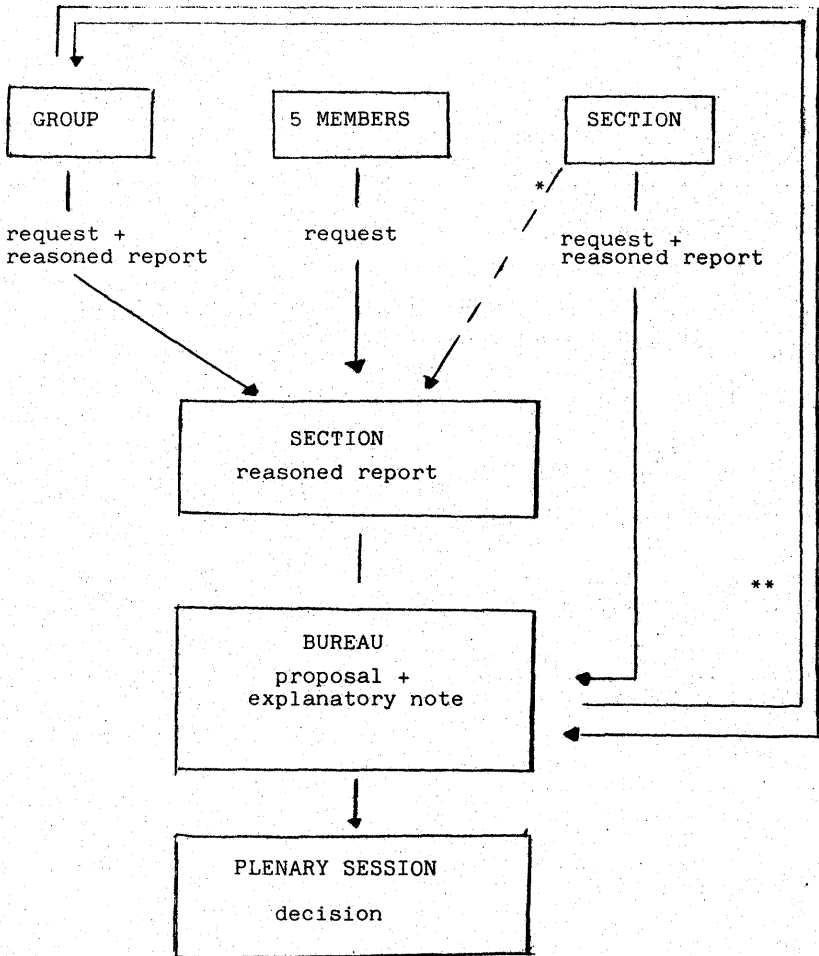
Requests for the use of this procedure may be entertained only if they come from a Section, a Group or at least five members of the Committee, and are submitted to the Bureau in writing.

Each request must be studied carefully by the Section concerned beforehand and a detailed and properly reasoned report thereon must be drawn up for the Committee Bureau, so that the latter has all the information needed to judge whether the proposed work is justified or necessary.

Proposals from the Groups must likewise be accompanied by a detailed report. The Groups may, if necessary, call upon the Studies and Research Division for assistance in this connection.

If a request comes from a Section, it is communicated to the Groups by the Bureau before a final decision is taken.

In this case, it is up to the Groups to make any reservations they have known to the Bureau before the Plenary Session is asked to decide.



* In theory a Section can call for the drawing up of an own-initiative Opinion which falls within the ambit of another Section.

** Request from a Section

If the subject proposed for own-initiative work is a very broad one that would hardly be suitable for an Opinion and would require exhaustive analysis, a Study or an Information Report should be produced; if necessary, this Study or Information Report could subsequently form the basis for a short Opinion.

If the Bureau accepts a request, it must submit a proposal along with an explanatory note to the Committee. As a rule, the Committee has to take a decision at the following month's Plenary Session.

However, in cases of urgency or when the Bureau's proposal is unanimous, the Committee's approval may be sought either in writing or even at the Plenary Session immediately following the Bureau meeting at which the proposal is drawn up." (1)

4. Use of the Right of Initiative under the Urgency Procedure (2)

Article 37 of the Rules of Procedure provides that, at the request of a member or group of members, the Bureau may propose to the Plenary Session that a

(1) Bureau's Standing Orders, p. 47 et seq.

(2) See part III, pp. 11 and 12, of the Bureau's Standing Orders.

statement by a member or group of members on a topical issue should be placed on the agenda. It is then for the Plenary Session to decide whether this issue should be followed up by a thorough examination and to determine what procedure should be followed (1) (2).

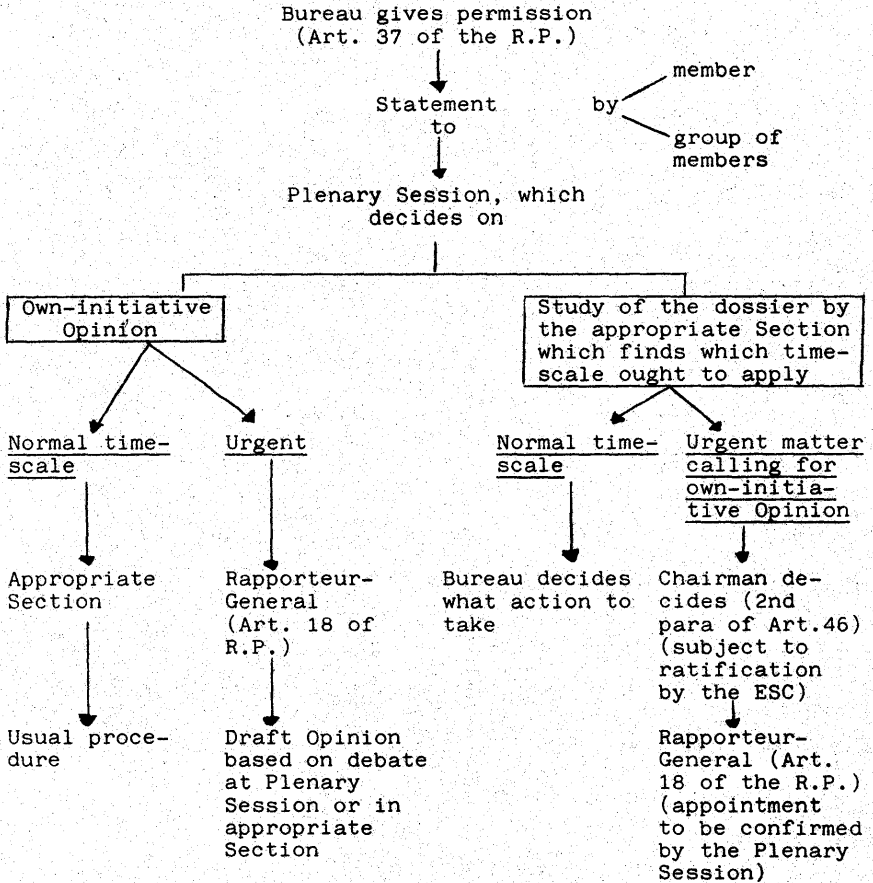
If the Plenary Session decides to deliver an own-initiative Opinion, it designates a Section to prepare the work in the usual way, time permitting. If the matter is seen to be urgent, however, the Plenary Session may immediately appoint a Rapporteur-General, under Article 18 of the Rules of Procedure, to draft an Opinion and a Report on the basis of a general discussion. Should it not be possible for this general discussion to be held immediately, it could take place at a meeting of the Section responsible for the matter.

Where the Plenary Session asks the responsible Section to study the dossier beforehand and the Section, after studying the dossier, finds that the Committee should make its views known as a matter of urgency, the Chairman, acting under the second paragraph of Article 46 (which may be interpreted as applying to work which the Committee undertakes on its own initiative), may take every necessary step to ensure that the work proceeds on a proper footing, subject to ratification by the Committee.

For instance, he may - acting under Article 18- appoint a Rapporteur-General to deal with the matter; such appointment must be ratified by the Plenary Session.

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- (1) Bureau meeting on 24 May 1976, Doc. R/CES 570/76, item 7.
 - (2) See for example the procedure followed for the ESC Opinion of 26.2.1976 on Unemployment in the Community and, in particular, documents R/CES 81/76 and 93/76 Appendix 2. For views on this procedure consult documents R/CES 203/76, 251/76 and 263/76.

USE OF THE RIGHT OF INITIATIVE UNDER THE URGENCY PROCEDURE



5. The Significance of the Urgency Procedure

From the Bureau's Standing Orders, it is evident that the decision whether or not an own-initiative Opinion should be drawn up is primarily the responsibility of the Plenary Session in cases of urgency.

In other words, proposals from one or more members must be channelled through the Bureau (Art. 37 of the Rules of Procedure), which decides whether the topical issue in question may be submitted in the form of a declaration to the Plenary Session. If the Plenary Session decides neither to draw up an Opinion nor to instruct the responsible Section to study the relevant dossier, it is difficult to conceive how the ESC Chairman could utilize the second paragraph of Article 46 of the Rules of Procedure (urgency procedure) autonomously. In effect, these Standing Orders of the Bureau, which were drawn up in accordance with paragraphs one and three of Article 8 of the Rules of Procedure, coordinate the work of the various organs of the Committee, including that of the Chairman.

However, one could conceive of a situation in which during a relatively long intermission (summer months) and the emergence of absolutely exceptional circumstances, the Chairman might apply Article 46 of the Rules of Procedure purely and simply without the Plenary Session having been consulted beforehand.

6. ESC own-initiative Opinions issued from 1972 to 1980

The following pages contain a brief summary of the sixty own-initiative Opinions issued by the Committee to date (1); they are grouped by subject matter, following the headings adopted in Appendix I.B. of this book.

Most of these headings correspond to the sphere of activity of one of the nine ESC Sections, with three exceptions:

- "Institutional machinery and general issues"
- "Enlargement"
- "Fisheries".

(1) The necessary references for consulting the text of these Opinions can be found in Appendix I.A. in chronological order.

This survey will give a better idea of the range of subjects on which the ESC has opted to use its right of initiative.

a) Institutional machinery and general issues

Opinion on the place and role of the Economic and Social Committee in the Institutional Machinery of the Communities in the Context of a Possible Evolution Thereof (March 1974).

While expressing satisfaction at the official recognition of its right to advise on its own initiative, the Committee considers that other significant improvements in its status should logically ensue from the undertakings given at the Paris (October 1972) and Copenhagen (December 1973) Summits.

Consequently, it proposes certain measures to reinforce its advisory functions, e.g. :

- that the Committee be brought in at an earlier stage in the drafting of Commission proposals;
- that the Council and the Commission provide more information on the action taken on its Opinion;
- that the Commission stop surrounding itself with a large number of specialized advisory committees duplicating the role of the ESC.

Finally, the Committee notes that the final Communiqué of the Paris Summit Conference provides for the conclusion of collective agreements at European level by joint sectoral committees on which both sides of industry would be represented. While stressing that there is a sharp distinction between the functions assigned to the ESC and those vested in these committees, the ESC proposes offering them facilities.

Opinion on the Situation of the Community (July 1974)

The Committee stresses that the Community's balance sheet is on the whole a favourable one :

- economically, it has helped to improve living conditions (rise in living standards, increased employment, harmonization of transport, etc.);
- politically, it has been a stabilizing factor, both internally and internationally.

But internal weaknesses (serious delays in some Community policies) and persistently high rates of inflation make it vulnerable to the effects of international imbalances.

The Committee therefore calls for a return to real Community solidarity, while rejecting narrow, constricting legalism.

Opinion on European Union (July 1975)

The Committee proposes drawing up a "charter" setting out the objectives of European Union. It would define its principles and the rights of European citizens.

European Union must not be confined to the economic sphere, but must also

- bring the Member States closer together and
- become the model of a type of society more consonant with the lofty ideals of the peoples of Europe.

Consequently European Union must go beyond straightforward coordination under a system of intergovernmental links; it must take over certain national powers and be provided with effective institutions.

Finally, the Committee stresses the need for a European Parliament elected by universal suffrage and expresses the hope that it will itself be granted the institution status.

Opinion on the Report on the European Institutions (May 1980)

The Committee is gratified that the Report of the Three Wise Men reaffirms the ESC's role as central instrument of socio-economic consultation at Community level and is in favour of its position in the institutional system being strengthened.

Like the authors of the Report, the ESC regrets that its important role is limited in practice by the weakness of the Community's own efforts in the social sphere and by a certain dilution of the consultative function at Community level.

The ESC shares the desire of the Report's authors for better participation by the European organizations in its work and wonders whether certain organizations could be accorded the status of permanent observer at Plenary Sessions.

The ESC is aware that its work is not always seen at its true value. In this connection it has already taken a number of steps to enable members to concentrate on the more important issues at Plenary Sessions. Rational use of the right of initiative and application of procedures whereby Opinions are votes on without a debate are the principal measures here.

In order to improve the "transparency" of its Opinions, the ESC has recently decided that groups formed within the ESC or categories of economic and social activities represented on it may have statements added to Opinions.

The ESC regrets, however, that it does not have better information on the action taken in response to its Opinions and that it is unable to gauge their impact correctly. It points out that it is not able to present its Opinion direct to COREPER.

The ESC considers that there is a need for better synchronization of the decision-making process between the various institutions.

The ESC cannot but be pleased that the Report advocates closer relations between the ESC and the European Parliament. It points out that considerable progress has been made in relations as regards both general cooperation and exchanges of information in the area of consultative work.

In conclusion, the ESC takes note of the Three Wise Men's proposal that the ESC should take over from the Commission the task of convening and organizing the meetings of the various joint committees bringing together workers' and employers' representatives from sectors where there is a particular Community interest.

The ESC stresses, however, that there must not be any confusion between the function assigned to it by the Treaties and the tasks entrusted to these committees.

Opinion on Community Accession to the European Convention on Human Rights (December 1980)

The Committee believes that human rights in the Nine would be enhanced by Community accession to the European Convention on Human Rights (grafted by the Council of Europe), backed up by a code of individual rights directly related to the Community's activities.

Accession to the ECHR is, the Committee feels, the swiftest way of safeguarding basic human rights affected by Community acts.

Although not recognized by all signatories to the Convention, the right of the individual to petition the European Commission of Human Rights should be ratified in order to improve the protection of individuals.

Nevertheless, given the specific fundamental objectives of the Community, whose actions basically impinge on the economic and social activities of individuals, the ECHR will of necessity afford only limited protection for individuals, insofar as it is concerned only with civil and political liberties, rather than economic and social rights.

There is also an urgent need to frame a uniform code for the entire Community containing common criteria for safeguarding the rights of individuals whose interests could be affected by Community legislation. This would require the Community to draw up an inventory of its own incorporating the basic economic and social rights recognized by the Member States. These would be safeguarded by allowing individuals the right to take a case before the European Court of Justice after domestic remedies had been exhausted.

b) Enlargement

Opinion on Greece's Application for Membership of the Community (November 1978)

The Committee approves the entry of Greece, which is a positive step for both Greece and the Community, even if its repercussions will inevitably raise problems for the agricultural sector, sensitive industrial products and the free movement of workers.

A timetable of transitional measures will allow the economies of the Member States to adjust gradually.

Competition between the Nine and Greece must not, however, be distorted by artificial advantages.

Opinion on the Applications of Greece, Portugal and Spain for Membership of the European Community (June 1979)

"The Committee is of the opinion that enlargement will help to bring about political stability and strengthen democracy in southern Europe, thus consolidating the democratic system throughout Europe.

This overriding aim means that appropriate and just solutions must be found to the economic and social problems arising out of enlargement. This may possibly involve sacrifices and burdens; if so these sacrifices and burdens will have to be shared out evenly among Member States, the acceding countries and the various economic and social sectors and groups."

A critical survey must be made of the Community's weaknesses and problems to ensure that

- the Community is not further weakened by enlargement and
- efforts to achieve European Union still have some chance of success.

To this end the Committee recommends, inter alia,

- voting by a qualified majority in the Council, as an integral part of the "acquis communautaire";
- adaptation of the internal structures of the institutions...

The ESC considers it essential that the three new Member States adopt the basic principles of the EEC as laid down in the Treaty of Rome and its secondary legislation.

They must accept the "acquis communautaire", including all Community objectives and policies at the particular stage they have reached at the time of accession or at the end of the transitional period; this applies on both the domestic front (customs union, social and industrial policy, European Monetary System, etc.) and in relation to the outside world (association agreements, development policy, etc.).

The Committee then briefly describes the situation of the three applicant countries in the various fields affected by Community policies; special attention is paid to the CAP.

If the Community is to be enlarged without creating serious problems for agriculture, in-depth and long-term measures will be needed.

c) External Relations

Opinion on the Communication from the Commission to the Council on the Development of an Overall Approach to the Next Multilateral Negotiations (May 1973)

In connection with the trade negotiations due to open in Tokyo in October 1973, the Committee expresses the wish that priority be given to the promotion of increased stability and a faster rise in living standards.

The overall negotiations must take place on the basis of mutual advantage and reciprocity with a view to pursuing further the trade liberalization policy.

The success of trade measures on such a scale could not be contemplated seriously without monetary stability.

The Commission negotiators must

- be able to count on public support
- be given a precise mandate and the means necessary to conduct negotiations not only on tariffs but also on non-tariff barriers.

Not only must the interests of the developing countries suffer no disadvantages, but their exports revenue must be improved.

Application of the safeguard clauses must be of an exceptional character, both in the EEC and in other countries.

Opinion on the Agricultural Aspect of the Multilateral Negotiations in GATT (February 1974)

- The decisive part played by the EEC in world trade,
- the role of the enlarged community vis-à-vis the developing countries,
- justify the Community's participation in the negotiations.

As far as agriculture is concerned, the negotiations must adopt an approach which is not only in keeping with the general objectives of the negotiations but which also takes account of the special features and problems of this sector.

It is desirable

- to regulate the market for certain agricultural products through the conclusion of appropriate international arrangements; this would necessitate a re-organization of the international monetary system so as to ensure stability,
- to seek for reciprocity by means of equivalence of commitments, without however preventing sufficient flexibility being shown to allow several products to be linked where this is expedient.

Opinion on Development Cooperation (June 1974)

This Opinion bears on the main questions connected with the negotiations entered into (pursuant to Protocol 22 of the Treaty of Association) between the Community and 40 developing countries, on the expiry of the Second Yaoundé Convention of July 1969.

The Committee asks that the Community assess its own development model in the light of present (since 1973) and future changes in relations between the industrialized and developing countries.

Real economic cooperation must be encouraged so as to

- promote economic independence and growth in the Associated States and
- ensure that the benefit of economic growth are distributed more fairly in the world.

Therefore a dialogue and contacts must be organized between representatives of economic and social groups in the Community and the signatory countries of the Future Association Agreement.

The Committee then comments on the main aspects of the negotiations (trade, financial and technical cooperation, ...).

Opinion on the Mediterranean Policy of the Community
(January 1975)

The Committee underlines the importance of an overall policy for this region. Bilateral agreements should take into account the specific needs of different countries which arise from, for example, disparities in economic development.

There must be consistency between this policy and the Community's different internal policies. It should not be divorced from the Community's obligations vis-à-vis other regions of the world.

The Committee highlights the common interest and the necessary economic cooperation which should be established. This bears not only on the free circulation of goods and capital, but also on :

- financial and technical aid,
- technology,
- working conditions of workers from the Mediterranean region,
- protection of the environment (marine).

Opinion on Developing Countries in GATT Negotiations
(January 1975)

Given the world shortages of certain products since Autumn 1973, and the consequences for certain developing countries and industrialized countries, GATT negotiations are one of the means of achieving monetary stability.

It is in the interests of developing countries to export in order to

- obtain the necessary foreign exchange for the purchase of goods,
- promote a rational and competitive structure within the country.

However, they must develop and diversify production capacity in order to

- first meet local needs (especially as regards food),
- then increase exports.

Opinion on Development Cooperation Policy - Lomé Convention
(November 1975)

The Opinion accepts the non-reciprocal character of the Convention agreed between the Community and 46 African Caribbean and Pacific States.

As regards trade, the Committee fears repercussions on the level of employment in Member States, caused by opening up the Community market to ACP goods.

As regards industrial cooperation, the Committee feels that moves should first be made to encourage local and regional agricultural and industrial markets to achieve self-sustaining growth. The Committee accepts the transfer of activities towards the ACP States, provided that this does not result in the ACP States producing goods whose competitiveness would be based entirely on low-paid labour.

The Committee proposes that economic and social interest groups participate more extensively and directly in this cooperation policy, and states that it would be prepared to welcome representatives of economic and social circles in the ACP States.

Opinion on the GATT Multilateral Trade Negotiations (April 1977)

At a time when GATT negotiations enter a decisive phase, the Committee requests the Commission to adopt a pragmatic stance, based on an analysis of the real situation of the world economy following the energy crisis.

This situation is characterized by :

- the deficit in the Community's trade balance, particularly in relation to the United States and Japan, reflecting a certain deterioration in its competitive position,
- the need to grant top priority to employment problems.

The Committee concludes from this that application of the principle of free trade needs to be backed up by certain forms of international organization of trade.

The Community must work towards the adoption of measures to prevent frequent and drastic changes in exchange rates from jeopardizing the economic and social equilibrium of the different signatory countries. This means not only that a number of monetary rules will have to be defined, but also that the conciliation and arbitration role of GATT in trade matters must be strengthened, to ensure the implementation of these rules whilst taking account of the actual situation.

Whilst recognizing the need to open up the Community market to developing countries, the Committee rejects the idea that they should have general and definitive exemptions from the rules governing other GATT signatory countries.

Opinion on the Implementation of the Lomé Convention - the Road towards a New Convention (July 1978)

The Convention, which comes to an end in 1981, has on the whole, worked well, except in the area of industrial cooperation, which has not yet got off the ground, owing to the long time taken to set up administrative structures.

The Committee suggests certain changes. It recommends in particular, a procedure for consultations with economic and social interest groups, in cases where difficulties arise in certain sectors.

The Committee examines the various areas of cooperation :

- as regards industrial cooperation, it calls for the creation of a diversified industrial base and the establishment of maintenance companies;
- financial cooperation should be geared to supporting regional infrastructure projects (water) and developing varied agricultural production to form the basis for industrial products;
- as regards agriculture, the Committee calls for cooperation aimed at self-sufficiency in food for the ACP States.

Opinion on Development Cooperation Policy and the Economic and Social Consequences of the Application of Certain International Standards Governing Working Conditions (July 1980)

The Committee advocates developing a new approach to creating a true link between economic and social matters in the Community's development policy. Starting with the idea that economic and social issues are indissolubly combined, the Committee proposes the conclusion of a "social contract" whereby the developing countries, in a process of consultation, would subscribe freely to social objectives as defined in ten or so ILO conventions.

Opinion on the Protection of Investments in Less-Developed Countries (December 1980)

In this Opinion the Committee shares the concern of the Commission at the drop in European investments in developing countries. The Committee analyses the reasons for this and concludes that the most important factor in many of the less-developed countries is the political situation which creates an unfavourable investment climate.

The Committee urges action on two fronts :

- first of all the Community has a role to play in the extension of bilateral investment protection agreements concluded by Member States with a number of less-developed countries since the 1960s;
- secondly, in the event of investment protection agreements being unable to provide guarantees against certain "accidents", the Committee argues for an expansion of investment guarantee schemes.

The Committee also points out that recent Commission action on the matter should not be confined to the mining sector but should be extended to other fields and especially on-the-spot processing of local resources.

Finally, the Committee is adamant that investors must respect the principles laid down in the Tripartite Declaration of the ILO of 16 December 1977 and in the earlier Opinions issued by the Economic and Social Committee in particular as regards non-discrimination between workers, trade union freedom and the right of employers and workers to negotiate and conclude collective agreements, safety at the workplace, vocational training, etc.

d) Economic and Financial Questions

Opinion on Economic and Monetary Union (December 1973)

The Committee feels that the slow progress towards economic and monetary union during the first stage is due in part to certain technical difficulties, but also to a lack of political will on the part of the governments and to the fixing of multiple objectives without any order of priority.

To remedy this, priority should be given to monetary union; this will entail some constraints being placed on the Member States and the various social groupings.

The objectives should be fixed at Community level by a democratic process involving the European Parliament and economic and social groupings.

The gradual alignment of currencies will require :

- a common front against inflation,
- improved coordination of national budgetary policies,
- more fiscal harmonization,
- the granting of large credits to the European Monetary Cooperation Fund (FECOM) to alleviate the consequences of short-term economic trends.

Opinion on the State of the Customs Union of the European Economic Community (March 1978)

The Customs Union has been a considerable success, since between 1958 and 1976 intra-Community trade more than quadrupled and now accounts for more than 50% of each Member State's foreign trade.

Nevertheless, a great deal of progress has still to be made, especially as regards the simplification of customs procedures, so that economic operators in the Community can appreciate the difference between crossing an intra-Community border and a border with a non-member country. This will make them aware that they belong to a single entity.

There are still shortcomings in the Customs Union :

- in relations with non-member countries : differences in approach and the existence of directives are at the root of the variable effects of the customs tariff.

- at intra-Community level, where national rules (customs, fiscal, exchange control, etc.) are superimposed on rather than merged with common rules, resulting in new customs barriers.

Given that the Customs Union is a mainstay of the Community, the Committee would like to see it evolve within a liberal framework. To this end it proposes several specific measures, namely :

- Community definitions of offences, a uniform system of penalties and the introduction of a standardized Community-wide arbitration procedure, making for greater speed and simplicity;
- the setting up of a single Customs Administration Committee in place of the very many committees currently in existence;
- the creation of a Community customs law (consolidate current provisions, fill in the numerous gaps).

Finally, it makes some specific suggestions regarding :

- the production of an annual progress report on the 1975 simplification programme;
- the wider use of normal commercial documents, in Community trade;
- abolition of the internal transit guarantee;
- the need to harmonize the collection of VAT.

Opinion on the Community Approach to the Present International Monetary Disorder (June 1978)

It was in December 1977, when there was an even steeper drop in the value of the dollar that the Committee decided to deliver this Opinion. It was distributed widely in ministerial and banking circles, and was very favourably received.

After analysing the monetary situation at both world and Community level, and the effects and dangers involved, the Committee defines the objectives of a policy for a return to normal. But there are two major difficulties :

- the lack of any international monetary authority capable of enforcing rules and, if necessary of applying sanctions for undisciplined behaviour, and
- the lack of any monetary reference standard.

The ESC therefore proposes that the resources authority and areas of responsibility of the EMCF be increased, so as to reduce fluctuations in exchange rates between the Member States. This should be the primary objective. The EMCF would thus perform at Community level functions similar to those of the IMF.

Alignment and coordination of economic policies within the EEC should become a reality, and the decision-making procedures of the Community bodies (Monetary Committee, Committee of Central Bank Governors, etc.) should be improved.

Finally, the Committee strongly recommends that the European Unit of account (EUA) be used as money of account for intra-Community transactions.

Opinion on the Possible Ways of Achieving Better Coordination of the Member States' Economic Policies with a View to greater Convergence of Economic Performance. (May 1979)

Increased convergence of the economic policies and, performances of the Member States is required for the implementation of the EMS (European Monetary System), and responsibility for this convergence rests with the Member States, supported by Community policies.

Use of the existing Community financial instruments will not be enough to bring about an appreciable reduction in the disparities between the Member States' economies.

The Committee, however, proposes better coordination of the various Community financial instruments, more selective use of funds according to the seriousness of the handicaps to be overcome and the support for the efforts of the national authorities.

Opinion on Interest Rebates for Certain Loans with a Structural Objective (May 1979)

The Committee approves the Commission's proposal laying down the conditions for interest rate subsidies for loans granted by the European Investment Bank, in order to reinforce the economic potential of the less prosperous nations. The need for a greater convergence of economic policies has become urgent because of the establishment of the European Monetary System.

Opinion on the Multiannual Programme for the Achievement of a Customs Union (October 1979)

In this Opinion the Commission in general :

- endorses the fundamental objectives defined by the Commission in its "Multiannual Programme for the Achievement of a Customs Union" (alignment of procedures, and especially of customs legislation),
- and above all supports the Commission in its wish to undertake a series of priority measures according to a detailed timetable.

Opinion on the Problems of Trade Barriers and the Alignment of Laws in this Area (November 1979)

The ESC emphasizes that the elimination of technical barriers to trade benefits :

- companies, because it enables them to export more easily through the introduction of common standards which facilitate the circulation of goods, and
- the consumer, who benefits from the increased competition (less expensive goods better suited to his needs).

The alignment policy must :

- take into account the protection of workers and the environment;
- be based on an overall view of Community policies as this policy is a component of Community industrial, social, environmental, consumer and trade policies; and
- deal first of all with products or sectors where there seems to be the most pressing need (safety of persons and goods, for example).

Lastly, the Committee thinks that the time has come, given the present state of the Community and the prospect of enlargement, to adopt a new approach to harmonization - one which would facilitate the gradual implementation of truly Community legislation.

e) Social Questions

Opinion on Employment and the Changed Situation in the Community (May 1974)

The Committee points out that a policy on employment cannot accept unemployment as an inevitable aspect of the economic system; the right to work must be guaranteed.

It asks that :

- a sufficient number of jobs be created in all the regions of the Community;
- that supply and demand be better matched;
- special attention be given to difficulties in education and training.

Since monetary, trade, technology and investment policies and policy on association with third countries directly affect the employment of all workers, some of these policies should be reviewed.

In the short term, the Committee suggests measures to cope with the likely reduction in hours worked, particularly in the automobile, chemicals and textiles industries.

Opinion on Education in the European Community (April 1975)

The Committee underlines the importance of education's role in the development of the Community.

Any attempt to impose a single education system in the Member States would be unrealistic, given the wide variation in present systems. Thus, cooperation and coordinated policies are imperative.

The Committee recommends that a Community programme be drawn up. Education must be tailored to society. The Committee is concerned that there is still no equality of opportunity in education.

Finally, the Committee stresses certain points, such as :

- the education of immigrants and their families, particularly with a view to facilitating a possible return to their country of origin;

- the necessary mobility of adult students,
- the incorporation of a major European and international element in education : the learning of foreign languages...

Opinion on the Economic and Social Situation of the Woman in the European Community (February 1976)

The Committee stresses that if there is to be a really democratic European Union the 130 million women in the Community must be fully integrated and accepted members of society.

The Committee draws attention to :

- the persistence of discrimination against women in legislation
- the need to avoid, from birth, the stereotypes which induce women to choose traditionally female occupations.
- the importance of the role of the homemaker and the need to abolish the term "not gainfully employed" for women who are full-time housewives,
- the need to improve help for "battered wives" (hostels, legal aid ...)

The Committee recommends certain specific measures for upgrading the position of women such as :

- enforcement of the rights and principles to which the nine Member States have subscribed in various charters and conventions;
- creation of "multi-purpose neighbourhood centres" to allow women with time on their hands to take up new activities;
- inclusion of "housework" in GNP;
- introduction of "wages" and "pensions" for women who look after their young children at home.

Opinion on Unemployment in the Community (February 1976)

The Committee stresses the seriousness of unemployment in the Community. To avoid a further increase in the numbers of unemployed, the Committee recommends the immediate adoption of short-term measures;

- at national level: reduction of unemployment should be made a number one priority,
- at Community level: institutions such as the Social Fund, the Regional Fund and the EIB should encourage governments to invest more. National policies should be coordinated.

In the long term, a more structural approach is necessary supported by management, workers and people in the professions.

Opinion on the Coordination of National Employment Policy Instruments (April 1976)

Employment policy must take full account of the "overall" and "structural" aspects of the crisis. Some quarters have insisted for too long on considering the crisis as strictly "cyclical".

After having analysed the national employment services in the Member States, the Committee concludes that the employment policies and the aims which they set need to be based on a number of common key principles. The economies of the West will only provide a high level of employment if growth is directed along certain lines and if an appropriate employment policy is pursued.

There is one overall prerequisite: the implementation of any solution and the use of any instrument require the cooperation of the public authorities and the economic and social interest groups involved, at both national and EEC level.

Opinion on the Specific Measures to be taken to Help Young and Elderly Workers and Women resuming Gainful Employment (November 1976)

The Committee starts by drawing attention to the seriousness of unemployment amongst young people, women and elderly workers. It then deals with each group individually.

- Young people: the Committee notes that some young people receive no financial assistance; it calls for a condemnation of the social, economic and cultural climate that does not enable young people to be integrated.

The Committee proposes that some programmes (such as the careers information programmes) be intensified to enable young people to find jobs more easily;

- Women : the Committee observes that women are regarded more as casual workers, working mainly in certain industries; they are still subject to discrimination in legislation, particularly as regards unemployment benefits.

The Committee calls for improvement of careers information, vocational training and child-minding facilities;

- Elderly workers : the Committee draws attention to the unreliability of statistics and calls for further research into the problems of old age, an expansion of flexible retirement arrangements and part-time working.

Opinion on Education and Vocational Training for Young Workers (March 1978)

The Committee considers education to be a basic human right which must be open to everyone. Educational programmes must evolve to meet changing needs and circumstances.

The Committee shares the concern expressed in the 1976 report of the Education Committee with regard to youth unemployment and the longer-term efficiency of the education systems of the EEC Member States.

The Committee calls for :

- increased integration of general education and vocational training,
- the establishment, from the very beginning, of links between the basic skills and their application, with children being confronted with problems which are both abstract and concrete;

The interaction between education and training policies, on the one hand, and regional employment policies on the other hand, is of crucial importance, particularly in the less-developed areas or areas dependent upon a single economic activity.

Opinion on Part-Time Work : Its Effects on the Present Labour Market Situation (June 1978)

The Committee points out that part-time work, which provides employment for approximately 10% of the working population of the EEC countries, must not be regarded as offering an alternative to a policy of expanding employment.

It should rather be regarded as :

- supplementing the general employment policy by increasing the amount of work available;
- a means of satisfying the aspirations and requirements of particular sections of the population.

The Committee would encourage part-time work, subject to a number of conditions such as the following :

- Part-time work must be on a voluntary basis ;
- Industry and the Community at large must not have to bear an excessively heavy financial burden;
- Part-time workers must be given rights similar to those enjoyed by persons in full-time employment (particularly as regards social security but also in respect of working conditions, training, salaries, freedom to join trade unions, etc.);
- steps must be taken to ensure that part-time working is not used to achieve new objectives thereby having a disruptive effect on the labour market and social security schemes.

Opinion on the Problems of Frontier Workers (January 1979)

The Committee drew up its Opinion at a time when the frontier areas of France and Belgium were suffering badly from the crisis in the steel industry.

In its Opinion the Committee notes that there is no standard definition of frontier workers covering all the 250,000 workers in this category. The Committee sets out to define the main characteristics of this type of work and the way in which it has developed. The Committee brings out the different reasons for this type of work and draws attention to the diversity of laws covering it, which causes problems in the following fields :

- jobs and vocational training;
- participation in company activities;
- the role of temporary employment agencies;
- social security; the procedures need to be simplified and speeded up;
- labour legislation;
- fluctuations in exchange rates which have varying effects on the purchasing power of frontier workers' wages;
- taxation : the variety of national systems often leads to double taxation.

There is a need for EEC rules in this field or minimum EEC standards, backed up by bilateral agreements.

The success of the measures taken will, however, depend on thorough cross-frontier cooperation between local authorities and the economic and social organizations in the frontier areas concerned; this cooperation will be required in a variety of fields (employment, the environment, public health, culture, etc.).

f) Regional policy

Opinion on Regional Development Problems between 1975 and 1977 and the Establishment of a Common Regional Policy (April 1976)

The Committee welcomes the decision taken by the Council to set up a Regional Development Fund and a Regional Policy Committee.

Aid will have to be given to the most seriously disadvantaged areas. Economic growth must not be the only criterion used in selecting these areas. Aid must be given in particular to the key industries in these regions.

In its Opinion the Committee strongly emphasises the need to use assistance from the Fund to back up and not to replace the regional aid made available by the individual Member States, the aim being for EEC aid to help to bring about the implementation of new projects or speed up the execution of existing projects.

There is a need for regional, national and EEC authorities to be involved at the planning stage.

The Committee considers that the resources of the Fund do not match the existing requirements.

The Committee has issued an own-initiative Opinion on each of the reports of the European Regional Development Fund (ERDF), that have been issued.

First Annual Report : 1975 (November 1976)

In its Opinion the Committee welcomes the First Report of the ERDF, a body which the Committee has always supported as an instrument of regional policy.

The Committee calls for :

- an increase in the resources of the Fund so as to enable it to give more help to the least favoured areas and intensify its work;
- provision to be made for an annual review of the three-year allocation of resources to the Fund so as to counter the effects of inflation and for the Fund to be increased in the near future in order to restore it to its original value for the two years left to run;
- the Member States to be encouraged to consult regional bodies (such as the organizations holding responsibility for particular fields, trade bodies and trade unions) and for these bodies to be involved subsequently in the Community decision-making process.

There is also a need to promote :

- the development of small and medium-sized businesses by means of loans from the European Investment Bank (EIB);
- increased aid for the tertiary sector, which provides promising possibilities of future employment;
- small-scale projects, by lumping them together if necessary.

The Committee also reacted favourably to the following three reports.

Second Annual Report : 1976 (September 1977)

In its Opinion the Committee stressed the need :

- to increase aid to directly productive activities without neglecting aid to infrastructure projects;
- to encourage Member States to take advantage of the interest rebates on loans from the European Investment Bank for financing infrastructure projects and manufacturing and service industries;
- for contributions from the Fund to make a visible impact on national regional development work.

The Committee supports cross-frontier projects carried out jointly by Member States and calls for :

- improved coordination of EEC policies ;
- greater consistency between the work of the various EEC financial instruments.

Third Annual Report : 1977 (February 1979)

In its Opinion the Committee makes three main points :

- the need for a balance between aid to infrastructure investment projects and aid to industrial investment projects, bearing in mind that infrastructure projects very often create the preconditions for industrial investments;
- the need to give priority to financing projects which are completely new;
- the need for the Member States to regard the aid from the Fund as being complementary to national development budgets, not as a partial substitute for these budgets.

Fourth Annual Report : 1978 (November 1979)

In its Opinion the Committee makes a number of comments with regard to :

- the inadequacy of the funds allocated to the "quota-free" section (5% of the total resources);

- the excessive geographical spread of the aid;
- the need to strengthen EEC regional policy and structural measures;
- the importance of "integrated regional development operations" with a view to the coordination of EEC policies and the coordination of national policies with EEC measures.

Fifth Annual Report : 1979 (December 1980)

The Committee notes that there have been a number of improvements but it once again draws attention to some of the criticisms it made in earlier years:

- there have been clear improvements in the processing of applications for aid but the operation still takes too long. It is also clear that not only is there a lack of resources for regional policy but also, as far as the Commission is concerned, a lack of staff for carrying out the policy;
- there is still too much expenditure on infrastructure in relation to the aid provided for investments in industry and services;
- the publicity given to the work of the ERDF is inadequate, incomplete and lacking in clarity;
- application of the principle of "additionality" is confused and varies from one Member State to another.

The Committee also deplores the fact that the "quota-free" projects provided for in 1978 and adopted in 1979 have still not been implemented in 1980.

The Committee expresses the hope that the next Annual Report will provide some positive information as regards the introduction of integrated operations and ways of making the various national policies, the CAP and regional policy more convergent.

The Committee also issued an Opinion on :

The Endowment of the European Regional Development Fund
(October 1979)

The Committee points out that it attaches "top priority" to regional development policy in the Community and it makes a strong appeal for an increase in the resources of the Fund.

The Committee issued two other Opinions on regional policy :

Opinion on the Contribution Made by Regional Development to the Solution of the Problems of Unemployment and Inflation (March 1977)

Regional policy has a fundamental role to play in maintaining and creating secure and lasting jobs in the under-developed areas, thereby lessening some of the tensions which exist between highly-developed and less-developed areas. This inequality is one of the main causes of inflation.

The Committee stresses the need for close coordination between EEC financing arrangements and between national measures which have a bearing on regional policy. The employment situation could be improved by the adoption of an appropriate regional policy, i.e. a medium-term policy, rather than one based on short-term economic considerations.

Opinion on the Role and Influence of Local and Regional Authorities and Socio-economic Organizations in the field of the Common Regional Policy (September 1979)

The Committee calls for the abovementioned groups to be more closely involved in the formulation and the implementation of EEC regional policy. Such increased involvement would facilitate application of the principle of additionality and the coordination of national regional policies.

In order to achieve this it is necessary :

- for the Member States to inform and consult these groups in advance;
- for the groups to express their desire to be involved in the implementation of EEC regional policy;
- for these organizations to be involved in the work of the Regional Policy Committee.

Opinion on Regional Development Programmes (April 1980)

In its Opinion the Committee starts off by making a constructive appraisal of the general presentation of the regional development programmes; it goes on to make an overall assessment and to put forward proposals with regard to the regional policy as a whole.

The Committee deals in particular with the following aspects:

- the problem of financing; it notes that there is a need to increase, in one way or another, the resources made available to regional policy;
- ways of increasing the effectiveness of the measures taken by setting priorities, making adjustments quickly in the light of changed requirements and showing greater flexibility;
- the quota system, which it implicitly criticizes as it does not meet the requirements set out above; the Committee calls for an extension of the "quota-free" section in order to enable it to become generally applicable in the near future;
- the enlargement of the Community and the effects of this development on regional policy.

g) Consumer protection

Opinion on the Implementation and Development of the Community's Consumer Protection and Information Programme (May 1977)

The Committee approves the broad lines of the Commission's programme and lays particular stress on the basic rights of consumers (right to enjoy good health, the right to receive adequate information and education and the right to be heard).

In the Committee's opinion the work of the consumer organizations and the Commission should no longer be based on a partial approach to consumer problems but on an overall view of consumer problems, involving wide-ranging consultations with interested parties at all levels.

This course of action should also lead to effective consumer participation in the working out of measures to improve living conditions and the environment, particularly as regards energy options, measures to combat waste, product safety, the protection of natural resources and general monitoring of prices.

Opinion on the Reduction in Drug Consumption in the Community (April 1980)

The financial and public health aspects of drug consumption must be viewed together, according to the Committee, which at the same time calls for drugs to be effective, have the least possible harmful side-effects and cost as little as possible.

The Committee, aware of Governments' concern about the rise in the overall cost of health care, recommends a reduction in drug prices and a cut in their excessive consumption.

The existence of two different forms of drug consumption - namely consumption of drugs sold on prescription and self-medication - leads the Committee to call for changes in the behaviour of both doctors and patients.

On the one hand, doctors may over-prescribe in order to comply with the wishes of their patients or to compensate for an uncertain diagnosis. On the other hand, self-medication tends to become excessive especially when promoted by advertising.

The information on drugs received by doctors must be improved and the advertising of drugs to the public must be regulated.

Drug manufacturers should distinguish between facts and publicity in the drug information they bring out for doctors. This information should tell the doctor about the value of each drug in relation to others and also mention the risks associated with its use. Gifts to doctors and health-care institutions should be banned so as to avoid influencing prescriptions.

The Committee, mindful of the need for consumers to be afforded protection, makes a number of proposals to this end :

A Community-wide monitoring network should be set up to check the effectiveness and pharmaceutical quality of drugs, the information given on packaging and in instruction leaflets and the advertising aimed at doctors and consumers.

Preventive medicine should be developed by providing proper health education in the schools and later on in life.

The Community should study the sizeable differences in price between Member States for one and the same drug and endeavour to abolish the barriers hampering the development of certain types of pharmacies (i.e. pharmacies run by cooperatives, health-insurance funds or social-security schemes).

Finally, the Committee would like pharmacists to act as a source of information and advice for doctors and patients.

h) Agriculture

Opinion on the Memorandum from the Commission to the Council
on the Improvement of the Common Agricultural Policy
(January 1974)

This Opinion, supplemented by a detailed Study on the overall progress report on the CAP between 1958 and 1974, enabled the Committee to give its views on the majority of the problems facing agriculture in the EEC; in these two documents the Committee puts forward a large number of proposals based on two main considerations :

- the importance of the CAP from a general political point of view and the decisive role which it has always played in the process of political integration in the Community;
- the need to continue the process of integrating a modern agricultural industry in a modern economy at Community level.

The Committee also points out that the CAP has been the only common policy which has been accepted so far by the Member States. As a result many of the imperfections and shortcomings of the policy stem from the absence or the inadequacy of the other common policies such as transport, policy, regional policy and social policy.

The Committee then goes on to comment on the various economic, social and technical aspects of the changes in some of the market-organization mechanisms proposed by the Commission in the Lardinois Memorandum.

"The Opinion and the Study have attracted considerable attention" (1974 Annual Report).

Opinion on the Common Agricultural Policy in the Inter-
national Context (January 1977)

This important Opinion, which gave rise to very intensive discussion in the Committee, first of all looks at the various aspects of the international context which have a more or less direct influence on the development of the CAP. Some of these aspects are subject to the control of the Community whereas others are not. The Committee then goes on to consider the contribution which the CAP may make to achieving economic and social balance within the Community and to meeting the need for agro-food products on a world-wide level.

The Committee then proposes a number of improvements in the light of the internal and external requirements which emerged from the appraisal made in the first two parts of the Opinion. The proposed changes refer to both the CAP and the Community's international policy, particularly with regard to agro-food products. The proposed changes fall into two categories: internal measures with regard to the CAP and measures in respect of the Community's external policy and world economic problems.

The Community is the sole example in the world of a vast free internal market comprising the markets of countries with a very wide variety of economic structures and traditions. The CAP is the most complex and, consequently, the most fragile instrument of this market. It may be regarded as both the symbol of the existence of the Community and the weak point of the Community. As the Community has already gone a long way towards unifying the economies of its Member States by means of the CAP, whilst at the same time respecting and preserving the fundamental freedom of individuals and companies, it provides a practical example of how to set up, over a period of time, an economic structure, the value of which is clearly recognized by outside countries. The agreements and conventions which the Community has entered into with a very large number of other countries in a way represent an extension and a broadening of the difficult experiment currently being undertaken within the Community itself.

The attractive force exerted by the Community and the power which it could have as an international political arbitrator are derived from the economic potential of the Member States and, above all, the principles underlying their cooperation. This leads the Committee to conclude that the Community must fully achieve internal unity on the basis of these principles in order to be able to play the international role expected of it.

This Opinion made a very considerable impact on the Community authorities, in particular the European Parliament.

Opinion on Direct Cooperation between the Bodies Designated by Member States to Verify Compliance with Community and National Provisions in the Wine Sector (June 1977)

The Committee approves to a very large extent the Commission's proposals for strengthening direct cooperation between the national monitoring bodies but calls for greater involvement of the Commission in the implementation of the proposed measures.

Opinion on the Amendment of the Common Organization of the Market in Beef and Veal (December 1977)

The Committee is in overall agreement with the changes proposed by the Commission. An integrated package of measures is to be introduced to deal with all market situations from shortages to a glut. The Commission proposes that use be made both of the normal intervention system and of production premiums.

Opinion on the Report on Starch Products in the Community and the Starch Production Refund (March 1978)

The Committee approves the Commission's initiative in submitting a Report dealing with the question of the retention or abolition of starch production refunds depending on whether the products are industrial or food use.

Opinion on the Future of Forestry in the Community (July 1978)

This is an important Opinion in which the Committee urges Community and national bodies to recognize the fundamental role which forestry could play in the agriculture and economy of the Community, the absence of a real Community forestry policy causes considerable problems.

Several measures could be used to ensure the development of forestry in the Community:

- guaranteed reasonable incomes for farmers who engage in forestry;
- substantial strengthening of laws on the protection of forests and trees;
- information for owners of private forests to enable them to make better use of their forests and to manage them better;
- setting up joint funds to carry out research necessary for the drawing up and implementation of a common forestry policy.

There is a need to:

- take account of the situation of industries based on forestry products;
- lay the foundations for cooperation with timber-producing countries outside the Community.

i) Fishing

Opinions on Conditions for Granting National Aid under the Common Structural policy for Seafishing (June 1974)

In order to achieve complete harmonization in the long term Community aid should be the only aid granted:

- because the Commission cannot compel Member States to grant a minimum level of aid,
- and to avoid too great a disparity in the conditions for financing and utilizing fishing vessels,

The Committee welcomes anything that can be done to strengthen the role and power of organizations of recognized producers (publication of a report on the situation of these producers, by the Commission), on which all Community policy in the fisheries sector is based.

National aid should be restricted to producers who are members of organizations recognized by the Commission.

Opinion on the Distribution of Catches (1980) Fish Stocks (November 1980)

Although the Committee deplores the fact that the Commission's proposals on catches for 1980 have been presented so late, it stresses its support for the principle of fixing catch quotas for Member States and for the introduction of an objective system for determining these catches.

The Committee criticizes the opaque method employed by the Commission and makes a series of comments on the distribution criteria underlying the proposals:

j) Transport and Communications

Opinion on Transport and Telecommunications (September 1975)

The Committee's Opinion, based on a detailed study was warmly welcomed by many of the organizations and bodies concerned.

Telecommunications have become a vital part of our society, and their importance will increase still further. They will play a crucial role as a catalyst and instigator of economic and social change.

The anticipated progress in the field of tele-processing (use of computers via telecommunications) will afford society important instruments of innovation, notably in the services sector, mass-telecommunications and the health, transport-safety and educational fields.

From the business and administrative point of view, telecommunications will allow decentralization whilst avoiding concentration. Telecommunications are therefore a prerequisite for regional development.

The Commission should make a detailed study of

- possible applications of telecommunications in the transport field (air safety, reservations etc..) and the impact they might have on employment;
- possibilities of substitution between transport and telecommunications in the Community.

Proposals for the implementation of a common policy should be submitted as soon as possible.

Opinion on Transport Problems in Relations with Eastern Bloc Countries (June and November 1977)

The steadily increasing competition from the Eastern Bloc in the areas of sea transport and road haulage, and in the future perhaps inland-waterway shipping is a source of great concern on account of the conditions under which it is flourishing.

As the Eastern Bloc countries are able to operate quite freely in Western Europe they are becoming increasingly successful in expanding their share of East-West goods traffic.

The Committee observes that the increased penetration by Eastern Bloc operators may result not only in a deterioration of the employment situation in this sector, but also in the long term, it may be very prejudicial to the economy of the Community as a whole, once the Eastern countries have succeeded, by adopting a selective market policy, in building up a strong position in the different transport sectors.

For this reason, the Committee appeals to all institutions responsible for East-West transport to tackle this matter with the necessary vigour in order to prevent disastrous economic developments and the serious social consequences which would result.

The Community must have a legal instrument to initiate counter-measures if serious difficulties arise.

In view of the fact that freedom of establishment is on a unilateral basis, the Committee calls for steps to be taken to monitor the establishment in the Member States of :

- organizations subject to the control of Eastern Bloc countries
- trading companies controlled directly or indirectly by these countries.

Opinion on the Draft Council Decision on the Activities of Certain State-Trading Countries in Cargo Liner Shipping (June 1978)

The Committee fully endorses the Commission's proposal that the Community equip itself to enable concerted use to be made of the Member States' power to take counter-measures.

Opinion on Communications in the Londonderry-Donnegal Border Region (July 1978)

Without a doubt the Londonderry-Donnegal Region is, for more reasons than one, one of the most underprivileged regions in the whole of the Community. This is because of its remoteness, and also because it spans the border between the Republic of Ireland and Northern Ireland, where there have been political disturbances for several years.

Communications and infrastructure in the region are inadequate. As a direct consequence of this unemployment is at a particularly high level.

Immediate priority must be given to improving infrastructure (enlarging Eglinton Airport) and communications (bus services). This would allow more industry to become established in the area.

This region satisfies all the conditions for obtaining Community aid. In order to be effective however, Regional Development Fund aid must be closely coordinated with other Community aid and must be used strictly for major communications improvements.

The second main aspect dealt with in the Opinion is job creation in the industrial sector, with simultaneous development of agriculture, forestry, tourism and fishing.

k) Industry, Commerce, Crafts and Services.

Opinion on the Technological and Industrial Policy Programme
(November 1973)

While the Committee shares the Commission's view that industrial development must form part of an overall community policy designed to improve the quality of life, working conditions and the environment, it stresses that the achievement of these objectives is largely dependent on economic progress.

For this reason, the object of industrial policy must be to create optimum conditions for qualitative economic growth.

Examples of such conditions are :

- stimulation of technological progress, transformation of the industrial structures of sectors in difficulties and maintenance of a balance in the growth of the various regions,
- maintenance of a system of competition both inside and outside the Community which allows industrial structures to be adapted.

Opinion on a Community Policy on Data Processing (April 1975)

- A strengthening of the international competitiveness of EEC data-processing companies
- and the protection of users' interests, particularly by providing a wider and more effective choice

would allow EEC data-processing policy to contribute to the economic and social development of the Community.

The Committee recommends the adoption of a Community policy designed to encourage reorganization and competitiveness in the European data-processing industry.

Opinion on the Possibilities of Developing Advanced-Technology Sectors in the Community through a Policy of Liberalizing Public Purchasing (May 1976)

The creation in the Community of a common market for public purchasing in the advanced-technology sector would have a strategic impact on Community industries by opening up to them within Europe, a market comparable to the home market which American firms enjoy. This would allow them to step up R & D, market their products more aggressively and reduce their production costs.

EEC companies producing advanced-technology equipment are ready to gear themselves to more liberalized public purchasing and welcome competition on the EEC market.

Nevertheless, this liberalization requires sectoral measures to guarantee that impartiality, genuine reciprocity and observance of certain rules.

Finally, three recommendations are made :

- Transparency in Public Purchasing of advanced-technology products should be encouraged.
- It is only in a favourable climate of opinion that Directives can be successful in practice. Discussions should therefore involve all relevant social and economic interest groups in ways which are acceptable to them.
- Given the importance of public contracts to small- and medium-sized businesses and the great difficulties, which the latter have in tendering for such contracts, the Commission should endeavour to bring about the introduction of arrangements to ensure that small and medium-sized businesses obtain an appropriate share of advanced-technology public contracts. Consideration should also be given to the possibility of stipulating that in certain cases specified work has to be subcontracted out to these small and medium-sized firms.

Opinion on Industrial Change and Employment - Review of the Community Industrial Policy and Future prospects (November 1977)

The industrial structures within the Community do not remain static; at both national and international level they are being continually influenced by an enormous number of factors, such as the growing industrialization of the developing countries, rapid technological developments, the rise in the cost of energy and raw materials, and increased pressure from the major industrialized countries, particularly the USA and Japan, on the European market.

These industrial structures must adapt if industry in the Community is to survive the crisis which has developed over the last few years. Both inside and outside the Community this crisis has brought to the fore problems such as inflation, mass unemployment, balance-of-payments deficits and changed relations with the developing countries.

There is no doubt that industry in the Community will have to cope with enormous adaptation and reorganization problems in the next few years, especially since national industrial policies are geared to purely national needs and so must often come into conflict with each other. As a result the Member States tend to export their problems. The Committee therefore asks that a Community industrial policy be put into effect.

A certain number of internal factors must also be considered, especially concerning the protection of the environment, modification of the demand structure and the growing regard for individual and collective needs.

Opinion on Small and Medium-Sized Enterprises (SMEs) in the Community Context (November 1977)

There is no policy on SMEs, which is founded on one specifically designed, concrete and consistent blueprint. Just as structural measures exist for specific sectors and regions, so there should be measures which specifically relate to businesses of a particular size.

Concerning the sources of finance for SME projects, the Committee suggests that

- the procedure for granting loans from the EIB (European Investment Bank) be speeded up, even though it has been very effective up to the present time;
- Companies group together in order to benefit from aid from the Regional Fund;
- the will and capacity for investment be encouraged, particularly by means of tax measures.

Finally, it is proposed that a programme to encourage SMEs be introduced, including :

- financial assistance in the form of low-interest loans
- participation in trade fairs and exhibitions in the Community and in non-EEC countries
- promotion of market research
- provision of information on foreign markets.

Opinion on Common Principles to be Adopted in Export Credit Insurance Systems for Medium and Long-Term Transactions with Public and Private Buyers (March 1978)

The Committee welcomes the harmonization of export credit insurance schemes. This harmonization will enable the conditions applicable to Community exporters to be at least as favourable as those which apply to exporters in the leading non-EEC countries.

Opinion on Industrial Restructuring and How to Implement it at Community Level (October 1979)

There is an urgent need to restructure Community Industry in view of the age and unfavourable location of certain parts of it.

The only effective way of bringing this about is by means of an EEC programme for complete industrial restructuring and development which is part of an overall plan.

Opinion on Some Structural Aspects of Growth (January 1980)

The Committee's Opinion deals with the recent downward trend in EEC income and productivity growth rates. After making a causal analysis, it endeavours to put forward proposals designed to tackle this problem.

The Committee observes that the slowing down of growth - unlike the recessions of the past - is not attributable to purely cyclical events but chiefly to structural causes, such as the emergence of new energy, environmental and social constraints.

The Committee suggests that it would be appropriate to redefine the traditional definition of "growth", that is to say the process of increasing GNP. This criterion - which is still fundamental - should be coupled with factors which take account of the "quality of life".

The question of the "quality" of growth can no longer be looked on as simply collateral and supplementary to the level of growth. There is no basic conflict between the objective of economic growth and the need to respect environmental and social constraints.

It follows that a new strategy of growth should aim to improve the functioning of the economic system by encouraging a demand structure more in keeping with economic and social objectives at both Community and world level and by promoting a better use of available resources so as to help preserve non-renewable resources.

Since such a new strategy could result in a more modest way of life, albeit one richer in quality, the Committee realizes that action will be required by a variety of groups and institutions in an increasingly complex Community context.

The Committee therefore considers that the Community's role in fostering growth is of fundamental importance. The Community possesses large reserves of competitiveness, and of demand which could be utilized more effectively in the framework of the Community.

The Committee goes on to review a number of general factors affecting growth strategy, such as marketing transparency and information, the money and capital market, demand from the developing countries, demand from the industrialized countries, the guidance of investment in the framework of the regional policy, the role of public contracts, technological innovation and commercial or product innovation.

As far as the sectoral aspects of growth strategy are concerned, the Committee lists the following criteria which should be taken into account when determining sectoral objectives :

- growth strategy must provide a creative response to the quantitative and qualitative changes in the availability of resources and factors of production, particularly labour - the various skills and trades - and energy;

- it must guarantee a high degree of self-sufficiency and scientific and technological independence since this enables the keys to growth to be controlled;
- it must cut back production costs so as to improve the ability of Community industry to compete on world markets and bring about a better international division of labour;
- it must respond to changing trends in domestic and international demand with particular reference to the expectations of the most under-privileged social groups, regions and countries.

1) Energy

Opinion on Energy for Europe: Research and Development
(January 1975)

The Committee welcomes the Commission's initiative aimed at introducing a common research policy in conjunction with a new energy strategy for the Community.

Expenditure should be concentrated on research projects:

- which can be carried out over a 5 to 10 year period
- and which will be able to make a real contribution to the Community's energy supplies, or to energy saving.

The Committee therefore insists that priority be given to using indigenous hydrocarbons by improving the technology for offshore operations.

At the same time, work on the longer-term alternatives, such as coal and gasification hydrogenation and thermo-nuclear fusion, should not be neglected.

The Community must be given extensive powers to enable it to coordinate the research work of the Member States on an effective and binding basis.

Opinion on the Energy Objectives for 1990 and the Programmes
of the Member States (May 1979)

The Committee draws attention to:

- the urgent need for a concerted effort by the Member States to improve the energy-supply situation so as to bring about balanced economic growth in the Community;
- the need to avoid painting too rosy a picture of the future prospects in the energy field since it is difficult to predict what will happen in this field in the next twelve years;

- the need to broaden energy supplies and the need for an overall Community energy policy vis-à-vis non-EEC countries;
- the importance of providing public opinion with more information on energy saving and nuclear power.

IV. AN ASSESSMENT OF THE ROLE OF THE ESC NOW THAT IT HAS A
RIGHT OF INITIATIVE

The qualitative change in the role of the ESC, equipped with the right of initiative, must be assessed against the background of :

- the Community's decision-making process,
- the ESC's position in the institutional machinery created by the Rome Treaties,
- the dynamic evolution of Community policies and the ESC's involvement therein,
- the scope for action provided by the right of initiative,
- European Parliament election by direct universal suffrage.

A. THE COMMUNITY DECISION-MAKING MACHINERY AND THE ESC

Building Europe means changing present economic and social structures, generally by means of the legal instruments provided for by the Treaties - i.e. Regulations, Directives and Decisions (1).

The ESC's right of initiative, which - according to the fourth paragraph of Article 20 of the Committee's Rules of Procedure - empowers the Committee "to deliver, on its own initiative, Opinions on any question pertaining to the tasks assigned to the Communities" is one way of involving socio-economic groups more closely in Community decision making and thus in the Community legislative process.

(1) See Article 189 of the EEC Treaty and Article 161 of the EAEC Treaty.

This is the background to the ESC's right of initiative. The way in which this right has been implemented will be dealt with later. In other words, under the Treaties under its own Rules of Procedure, the ESC is entitled to adopt unanimous or majority Opinions which take into account and reflect the views of socio-economic groups for the purpose of influencing the Community legislative process. The Committee's consultative function should be considered from this angle.

When analyzing the Community's decision-making process, one fundamental point to be noted is that, as a general rule, the Council can act only "on a proposal" from the Commission. The Council is rarely able to take decisions of its own accord or on the basis of Commission Opinions alone (1). More often than not the Council adopts measures or takes decisions "on a proposal from the Commission" (2). The Commission, therefore, plays a decisive role as initiator in such instances. In addition, until such time as the Council has taken a final decision, the Commission may alter (or withdraw) its proposal (3).

This may be done to accommodate the European Parliament, to take discussions at the Council into account, to allow for ESC Opinions or to make allowance for developments which were not foreseeable when the Commission's proposal was originally drafted.

Furthermore, when the Commission declares that its proposal is final, "unanimity shall be required for an act constituting an amendment to that proposal" (4).

As far as the ESC is concerned, the main conclusion to be drawn from this fleeting survey of the decision-making process is that

- the machinery used in the Community for making these decisions
- the current balance of power between Community institutions, and
- the powers devolving on the Commission

(1) As, for example, in the case of Articles 84(2), 126 and 237 of the EEC Treaty.

(2) See, for example, Articles 28, 33(8), 43(2) para. 3, 55, 63 and 79 of the EEC Treaty.

(3) As in Article 149(2) of the EEC Treaty and Article 119(2) of the EAEC Treaty. In such instances the Commission is free to amend its proposal as often as it considers necessary.

(4) See Article 149(1) of the EEC Treaty and Article 119(1) of the EAEC Treaty.

all give the Commission a decisive role as the initiator of, and driving force behind, legislation (1). This is therefore the body to which the Committee, in using its right of initiative, should at the appropriate moment address the views voiced and compromises reached within its ranks, on those major topical issues which social and economic interest groups think must be solved at Community level.

B. THE POSITION OF THE ESC IN THE INSTITUTIONAL MACHINERY AFTER 1972

In the words of Mr H. CANONGE (2), "The Economic and Social Committee is a constitutional consultative body of the Community Institutions" (3).

A body:

The ESC is referred to as a "body" because it is not described as an "Institution" in Article 4 of the EEC Treaty or Article 3 of the EAEC Treaty. The first paragraph of each of these two Articles lists the Community Institutions, whilst the second paragraph states that the ESC shall assist the Commission and the Council in an advisory capacity (4).

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- (1) For a more detailed commentary see "La voix des partenaires sociaux. Le C.E.S., un essai de démocratie économique" in "30 jours d'Europe", Supplement to No. 188 - March 1974.
SIDJANSKI "Aspects Fédératifs de la C.E. "Res publica 1964, Vol. IV, p. 355. Quoted by P.H. TEITGEN - "Cours de droit institutionnel communautaire", Polycopié 1975 - 1976, p. 316, Paris, Les cours de Droit.
 - (2) ESC Chairman from 1974 to 1976
 - (3) Statement by Mr H. CANONGE to the 175th meeting of the ESC Bureau on 29 June 1976 (R/CES 633/76, Item VIII)
 - (4) This interpretation is shared by the ESC and used in support of its claim for institutional status which would in the view of the ESC, give it budgetary autonomy, the right to decide its own Rules of Procedure and to appoint its own members, acting on proposals from the organizations representing social and economic interest groups. For further details, see ESC Opinion of 28 March 1974 entitled "The Place and Role of the Economic and Social Committee in the Institutional Machinery of the Communities in the Context of a Possible Evolution thereof" (CES 331/74, p. 7 - OJ No. C115 of 28.9.1974, p. 37/1); see also the ESC Opinion of 16.7.1975 on European Union (CES 805/75, p. 10-11, OJ No. C270 of 26.11.1975, p. 2 et seq.).

Constitutional:

The ESC is a "constitutional" body because it is provided for in those sections of the EEC and EAEC Treaties which set out how the two Communities are to operate (1).

The ESC is therefore clearly involved in the "constitutional development of the Communities" and is thus part of the dynamic process of "European integration".

The actual role of the ESC in the development of the Communities will have to be continually re-defined as the institutions evolve. Having acquired the right of initiative, the ESC will henceforth be in a position to play an active part in the continual adaptation of its role. To quote one example, if, in the years to come, the European Parliament - now elected on the basis of direct universal suffrage - were to be granted increased powers, including real legislative power, it would be perfectly logical for the consultative role of the ESC to be extended to cover the European Parliament (2) as well as the Commission and the Council.

Consultative:

The ESC is classed as a "consultative" body because Article 198 of the EEC Treaty and Article 170 of the EAEC Treaty provide for its consultation by the Commission and the Council. The ESC submits its views in the form of Opinions (Article 20 of the Rules of Procedure).

As the term "consultative" implies, the Institutions consulting the ESC and the bodies to whom own-initiative Opinions are addressed are under no obligation to act upon the Opinions. The Treaties in no way bind the Commission and the Council to draw up or amend a proposal to accommodate the views of the ESC.

(1) Another "constitutional" body is the Consultative Committee provided for in Article 18 of the ECSC Treaty.

(2) For further details, see page 124 et seq.

It is clear, therefore, that the ESC can activate or amend the Communities' legislative process only if the Institutions to whom its Opinions are addressed accept its recommendations in full or in part and act accordingly. The ESC does not therefore have the right to initiate legislation, the right which gives the Institutions a free hand to set in motion the Communities' legislative process.

The role of the ESC is therefore essentially to pass on advice, in the form of Opinions, to the Commission and the Council, and, under certain circumstances to the European Parliament, in the hope that its suggestions will be taken into consideration. The Committee has no decision-making or joint decision-making powers, and such powers are not sought by its members. Nor does the ESC have the right to initiate legislation, as have national Parliaments.

The question therefore arises as to whether or not it would be politically advisable for the Community authorities to try to take more account of the ESC Opinions thereby permitting the important social and economic interest groups represented on the ESC to exercise greater influence. After all such groups seek to influence, and do indeed influence, the decisions taken by public authorities in all modern democracies. Should different rules apply in the Communities?

Turning once again to the consultative role of the ESC it can be said that fears of corporatism are unfounded. Corporatism implies that legislative power is exercised by industrial and professional corporations who are not elected by universal suffrage and who usurp the role of Parliament, which is the manifestation of the sovereignty of the people (1). In other words, corporatism can only be said to exist if corporations are "empowered to take decisions which are binding upon all those to whom they apply" and if "rigid institutional structures are established, despite the fact that the economic situation itself is subject to change" (2).

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- (1) See the speech delivered by Mr. H. CANONGE marking the end of his term of office (CES 927/76 Appendix 2, p. 24)
 - (2) Pierre MENDES FRANCE in "La République Moderne" Gallimard, Paris, 1972, quoted by Arnaud Marc LIPIANSKY in "L'Europe en formation" No. 181-182, April/May 1975, Special Edition "Le C.E.S. du C.E."

Moreover, giving the ESC increased powers would neither limit nor encroach upon the role or the prerogatives of the European Parliament, since, in the words of Alfons LAPPAS "the ESC is more of a front-line post for the organizations taking part, at all levels, in seeking consensus within the framework of modern political structures" (1). To put it in another way, the above-mentioned organizations seek to influence other bodies which have decision-making power.

The social and economic interest groups in the Community readily recognize that the influence brought to bear upon the European Parliament by socio-economic lobbies must not jeopardize Parliament's political accountability. Such interest groups therefore cannot be given the right to take part directly in joint decision-making (2).

What does the ESC's right of initiative therefore imply and how is it to be exercised? What new scope does this right give to the ESC and what contribution does it make to the overall aim of European integration?

The fact that the right of initiative has been laid down in an addition to the Rules of Procedure - the fourth paragraph of Article 20 - clearly demonstrates that this new right is something more than a broader interpretation of the earlier provisions. The right to act autonomously gives the ESC a new power.

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- (1) Alfons LAPPAS, then Chairman of the ESC, in a speech made in Deauville in May 1973 on the role and influence of the ESC
 - (2) For further information on this subject, see the address given by H. VETTER, President of the German Trade Union Confederation and current President of the ETUC, to the 132nd meeting of the ESC's Bureau at the headquarters of the German Trade Union Confederation in Düsseldorf on 20 December 1972 (R/CES 13/73 Appendix 1).

By 1972 the European Council, the Council of Ministers and the Commission all recognized that it was becoming more and more necessary to meet the requirements of "economic and social democracy" by encouraging important social and economic interest groups in the Community to put forward their views. The granting of the right of initiative to the ESC was intended to ease the problems referred to earlier (1).

The fact that the ESC now has the right to put forward its views on its own initiative - choosing the appropriate moment - in the fields with which it is essentially concerned (2), means that, in future, it will be able to make known its point of view whilst proposals are still on the drawing board and it will even be able to propose subjects to the Commission (3).

It should also be noted that, because the role of the ESC is fundamentally consultative, it cannot become a forum for meetings and negotiations between (a) representatives of employers' organizations and trade unions and (b) the public authorities (4).

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- (1) See pages 8-26 above
 - (2) With the exception of the fields covered by the Treaty setting up the European Coal and Steel Community
 - (3) There are in fact no restrictions on the timing or the subject matter of own-initiative Opinions. The communiqué issued after the summit meeting in Paris in 1972 states that the ESC will be able to advise on its own initiative on "all questions affecting the Community" (see pages 59-67).
 - (4) This point is not disputed by the three Groups at the ESC. The abovementioned position has been confirmed in the stands taken by Group III on 30 March 1977 (R/CES 433/77 Gr. III rev.) and by Group II (statement issued by the ETUC on 22 April 1977 concerning improvements to the way in which the ESC operates (A (3) and (4)).

It is up to bodies like the Tripartite Conference and the Standing Committee on Employment to work for a consensus between the major employers' organizations and trade unions and the public authorities in fields in which each side has freedom of action.

These meetings and consultations between the two sides of industry and the decision-making bodies of the Community - the Commission and the Council - and representatives of Member States do not involve participation in the Community's legislative process (1). The aim is rather to initiate overall negotiations which would, to a certain extent, commit the various parties to follow certain guidelines in their approach to economic and social policy (2).

The ESC does not, therefore interfere in the affairs of other bodies with different aims.

C. THE DYNAMIC EVOLUTION OF COMMUNITY POLICIES AND THE PARTICIPATION OF THE ESC

The Community's decision-making bodies (the European Council, which replaces the summit meetings, the Council, the Commission and the European Parliament) (3) have, in the past, come out in favour of increased involvement of social economic interest groups in the work of the Communities, particularly in the legislative process.

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- (1) For further information, see Eberhard RHEIN, p.497 et seq. of the work referred to in footnote 3, p.48 above
 - (2) Eberhard RHEIN, *idem*, p.500
 - (3) See the Commission Decision of 29 July 1964 (OJ No. L 134 of 20 August 1964, p. 2256/64) and, in similar vein : the Commission Decision on 17 May 1963 (OJ No. L 80 of 29 May 1963), the Commission Decision on 19 December 1963 (OJ No. L 2 of 10 January 1964), the Commission Decision of 5 July 1965 regarding the Establishment of a Joint Consultative Committee on Working Conditions in Road Transport (OJ No. L 130 of 16 July 1965, 8th recital), the Council Decision of 14 December 1970 establishing the Standing Committee on Employment of the European Communities (OJ No. L 273 of 17 December 1970), the Communication from the Commission to the Council on the Environmental Programme of the European Communities, dated 24 March 1972 (OJ No. C 52/1).

The development of a number of forward-looking Community policies, such as the Social Policy, implies involving socio-economic interest groups, organized on a Community basis, in the legislative process. The involvement of the major organizations representing employers, workers and other interests in the Community has been facilitated by the establishment of effective umbrella organizations at Community level (1).

The Commission and the Council have continually drawn attention in legal instruments and other documents to the need for economic and social interest groups to play an active role in framing common policies.

It was when the need for cooperation was to the forefront (1974/1975) that the ESC was granted the right of initiative, thereby giving the abovementioned interest groups an effective way of making their voice heard.

It is quite natural that the ESC should take on such tasks, insofar as they come within the realm of consultation, since it is the "sole institutional spokesman at Community level" (2).

In addresses to ESC Plenary Sessions, Commission and Council representatives have on several occasions stated that the right of initiative provides the ESC with new tools enabling it to fulfil the role of key spokesman (3). These Institutions therefore encourage the ESC to make thorough use of the new powers which it has at its disposal.

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- (1) See "An Empirical Examination of the Functionalist Concept of Spillover", Emil Joseph KIRCHNER, Case Western Reserve University, June 1976, which gives a detailed history of the ETUC between 1968 and 1973.
 - (2) See the ESC Opinion of 28.4.1974 (CES 331/74, p.13)
 - (3) As, for example, in the addresses given by Mr ORTOLI, at that time President of the Commission, to the 119th Plenary Session on 28 March 1974 (CES 388/74, p.20) and by Mr DURAFOUR, then President of the Council, to the 122nd Plenary Session on 18.7.1974 (CES 831/74, p.14)

However, until the ESC started its new term in 1978, those official Commission documents which called for greater involvement of economic and social groupings seldom referred to the ESC as a forum for such consultations and involvement (1).

The Commission emphasized the importance it attached to the Committee's work in an Opinion submitted to the Council on 17 May 1978 (2). It referred to the Copenhagen European Council's appeal to all parties concerned to work together, now that the Committee had started a new term, to make the Committee more effective in view of its role in the framing of European Community policies.

The Commission said that it particularly wished the list of candidates drawn up by the Member States to represent as much as possible a balance of economic and social interest groups (agriculture, industry, trade, crafts and the professions). It hoped that a special place would be created for consumer groups, environment specialists and the economic and social interest groups who work together for development.

In 1978 (3) the European Parliament urged the Commission to develop the consultation machinery centered on the Council, the Commission, the Standing Committee, on Employment and the Economic and Social Committee, in anticipation of that year's tripartite conference.

Although the right of initiative gives the ESC an "edge" over other consultative bodies in terms of "prestige" and impact on the Community's decision-making process other channels will certainly be used for consulting economic and social groupings, if this officially sanctioned facility is not utilized to the full (4).

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- (1) First recital of the Commission Decision of 25 July 1974; OJ No. L 243/22 of 5 September 1974 referring to the Council's Resolution of 21 January concerning a social action programme; OJ No. 13/1 of 12 February 1974. In this programme can be read the following : "whereas such a programme involves ... increased involvement of management and labour in the economic and social decisions of the Community ...".
 - (2) The Commission Document (78) 199 final on the renewal of the Economic and Social Committee
 - (3) Resolution on the forthcoming 1978 Tripartite Conference; OJ No. C 261 of 6 November 1978.
 - (4) See speech by Mr H CANONGE marking the end of his term of office (op. cit., p.141, footnote 1), p. 25;

The ESC is therefore under a political and institutional obligation to make dynamic use of this right - a right which must be understood by social and economic groups as allowing the Committee to express its will and take the initiative in order to advise and influence. If it fails to seize the opportunity, the Committee will be neglecting its institutional duty and be to blame for consultative work going elsewhere.

The nature of ESC activity has thus changed fundamentally and the Committee is now committed to using the legal instrument which has been bestowed upon it - and which enables it to make its mark and fulfil its role with regard to the new Community concept of involving social and economic groups more closely in European affairs. The right of initiative will enable the ESC to play an active part in moulding the major economic and social policies of the Communities.

Committee influence on Community policy will depend in the future on the dynamism it shows and on the effectiveness of its action (1).

Has the ESC not been somewhat slow in assuming its new role and grasping its significance? Are its Members sufficiently aware of the new possibilities open to the Committee?

At all events, it is not too late. Perseverance on the part of the Chairmen, the Bureau, and the ESC Groups and Sections will still be needed if the impetus is to be maintained and not peter out in the face of certain obstacles due, for example, to over concentration on sectoral issues.

The list of the 60 Own-Initiative Opinions delivered between 1972 and 1980 shows the extent of the Committee's field of activity which embraces institutional matters and the major issues of Community development (2).

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- (1) Speech by Mr H. CANONGE marking the end of his term of office (op. cit., p.141, footnote 1) p.27
 - (2) See p.62 et seq.

The ESC will thus be able to develop and strengthen its position as a major "economic and social assembly" particularly well suited to the task of advising and guiding the decision-making bodies of the Communities.

The Committee also possesses (in the form of a permanent General Secretariat) an appropriate infrastructure for taking action at any given moment, i.e. whenever members of the Committee deem it necessary, or the Treaty requires it. By helping with the preparation of documents the Secretariat can in fact provide ESC members with an effective back-up service for own-initiative work. Needless to say, the issues covered by own-initiative work must be as concrete as possible.

The procedures provided for under the Rules of Procedure, e.g. the urgency procedure (1), and the fact that virtually all Committee Opinions are adopted by a unanimous or a majority vote, show that the Committee possesses an effective machinery. This enables the organizations represented on the Committee (2) "to compare ideas, exchange information and defend their legitimate interests and thus ensure that the Institutions can take informed decisions. At the same time these groupings must shoulder their responsibilities as often as possible, by making clear-cut proposals to the Community decision-making bodies".

The Committee's role can therefore be to throw light on economic and social currents and pressures in the EEC when Community policies are being shaped.

(1) Article 46 of the Rules of Procedure of the ESC

(2) Speech by Mr H. CANONGE marking the end of his term of office (op. cit. p. 141, footnote 1), p. 28.

D. THE RANGE OF ESC OWN-INITIATIVE WORK

- a) fields covered
- b) timing
- c) new openings afforded by a combined application of the right of initiative and other procedures provided for in the Rules of Procedure.

1. Fields covered

The fields covered by the ESC's right of initiative include the economic and social policies of the Communities, institutional questions and general Community policy (1).

Viewed in the context of European integration, we can observe that the right of initiative is used :

- in areas where Community policy is at the implementation stage;
- in fields where Community action is still in its infancy;
- when the various bodies represented on the ESC are in favour of a Community initiative but no action has been taken by the Institutions.

Moreover, in this way the Committee is able to take a stand on important Community measures and decisions which have not - or not yet - taken the form of legal texts. The Opinion on the Enlargement of the Community, in which the ESC seeks to sum up its various comments on the matter is a good example (2).

Finally, the Committee's right of initiative allows it to make known its views on current issues of political importance (3).

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- (1) See pp. 47 and 53/54 as well as the ESC Opinion on European Union of 16.7.1975 (op. cit., p. 139, footnote 3).
 - (2) References in Appendix I. A.
 - (3) Bureau Standing Orders p. 47 et seq.

a) Draft text on which the ESC has not been consulted
(Community policies in the course of implementation)

We are concerned here with fields where a Community policy is currently being implemented and the decision-making process has already got under way (draft Regulation, draft Decision or draft Directive) but the Committee has not been consulted by the Commission or Council.

In using its right of initiative in these fields, the ESC is able to supplement its activity within the normal decision-making process. Its Opinions usually relate to sectoral and technical matters which are of considerable interest to representatives of trade and professional organizations on the Committee (1).

b) ESC activity within the framework of the new Community policies

As new policies, e.g. those in the fields of :

- regional development,
- the environment,
- consumer protection,
- industry, and
- energy

are gradually worked out, the case for expression of ESC views becomes obvious.

However, since the Treaties do not provide for consultation of the ESC on these new policies, the Commission and Council often decide not to consult the ESC on an optional basis either. The only alternative open to the ESC therefore lies in drawing up own-initiative Opinions.

(1) For example, decision of the ESC Bureau to deliver an own-initiative Opinion on a Proposal for a Council Regulation (EEC) on Direct Cooperation between the bodies Designated by Member States to Verify Compliance with Community and National Provisions in the Wine Sector (Decision of the Bureau of the ESC of 26.4.1977).

Thus, for example, a large number of Opinions delivered on regional policy have been own-initiative ones (1).

This is a good illustration of the way in which the right of initiative enables the Committee to participate in the shaping of all new policies as part of the dynamic process of European integration.

c) The Committee as an Instigator of Community Policies

The representatives of professional associations, trade unions, trade organizations and various other interests, who are often the first to be brought face to face with the burning issues of the day, can - if they consider that Community-level action is necessary - play an important role in getting the appropriate policies off the ground and making sure they are carried through (2).

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- (1) Opinion of 1 April 1976 (CES 378/76) on the Regional Development Problems of the Community during the period 1975/1977 and the Establishment of a Common Regional Policy (Study on the same subject : CES 217/76)

Opinion of 24 November 1976 (CES 1202/76) on the First Annual Report on the European Regional Development Fund 1975, and the Summary Analysis of Annual Information 1976

Opinion of 31 March 1977 (CES 386/77) on How Regional Development Helps Solve Unemployment and Inflation by making for a more Balanced Distribution of the Working Population.

Opinion of 25 October 1979 (CES 1220/79) on the Role of Local Authorities and Economic and Social Groupings in Regional Policy, (Study of 1 December 1977 turned into an own-initiative Opinion).

- (2) e.g. the own initiative Opinion on Transport Problems in Relations with Eastern Bloc Countries will be delivered at the Plenary Session of 23 and 24 November 1977 (CES 1160/77 A; OJ No. C 59 of 8 March 1978).
See also the own-initiative Opinion on Unemployment in the Community, adopted on 26 February 1976 (CES 216/76) (Rapporteur : Mr BASNETT)

Should an own-initiative Opinion not be appropriate for one reason or another, this initiatory role might also take the form of a "declaration" adopted by the Plenary Session. See here the declaration on the steel sector (CES 486/77, Appendix 2) adopted at the Plenary Session of 28 April 1977 in which the ESC "urges the European Institutions to do all in their power to overcome the difficulties in question" - See also the Bureau's Standing Orders in the Basic Texts of the ESC, Part 3, point 1 E, p. 11.

Such people can be compared to a seismograph which not only records "earth tremors" but immediately passes on the information received.

The Committee's activity here differs from the type of action described earlier. Instead of expressing its views on existing documents, the ESC now attempts to influence basic policy by giving consideration to a number of different factors (e.g. examination of the issues at stake; formulae likely to obtain the backing of the organizations represented on the Committee; assessment of how urgently a Community policy is needed). It thus attempts to anticipate certain Commission proposals (1).

These own-initiative Opinions are often preceded by Studies designed to assemble the maximum possible information on a given subject (2).

2. Timing

Commission proposals generally set out the main lines of approach for a given Community policy. These proposals, however, may be amended during the legislative process, either by the Commission itself or during Council negotiations.

The ESC must therefore be ready to use its right of initiative at each stage of this legislative process so that it can intervene at the most critical moment and thereby make a maximum impact on both the Commission and the Council (3).

In view of the fact that more progress has been made with some common policies than with others, it follows that the "correct timing" of ESC intervention will also vary in relation to the stage reached in the draft legislation in question.

Thus, with policies at the implementation stage and where the spadework has already been done, the ESC should use its right of initiative when the Commission has published a draft implementing Regulation and the ESC has not been consulted either on a mandatory or optional basis.

(1) Bureau Standing Orders p. 47 et seq.

(2) See for example the list of Studies drawn up by the ESC since 1972 in Appendix II A.

(3) See Opinion of the ESC on "The place and role of the Economic and Social Committee in the Institutional Machinery of the Community in the Context of a Possible Evolution Thereof" (op. cit., p. 139, footnote 3), p. 9.

The ESC should exercise its right of initiative at the initial stage of the Commission's preliminary work on new common policies which are to involve important regulations or decisions of a general nature. This would enable the organizations represented on the ESC to put forward their views before the Commission has made up its mind and submitted substantive proposals.

Other bodies, such as the European Parliament, have also seen the need for power to influence decision-making at the right moment. The Commission has made a thorough study of the possibility of earlier intervention by the Parliament (1).

The Commission wishes to give the European Parliament more power at the proposal-formulation stage (2).

The Commission could assist the ESC by providing it with comprehensive documentation on issues under discussion. The ESC would then be able to go more deeply into these issues in information reports, if necessary, and make recommendations in own-initiative Opinions.

Where the organizations represented on the ESC feel that there is a need for a common policy, and the Commission has not yet started the relevant preliminary work, the ESC could deliver a brief Opinion preceded by a Study, if necessary, stating the problems involved, so as to prompt the appropriate authorities to take action.

If the Commission then produces formal proposals at the Committee's instigation, the Committee should be able to take a stand on them when they are submitted to the Council or Parliament (mandatory or optional consultation, or own-initiative Opinion).

Finally, the Committee could take a stand on amendments made by the Commission to proposals already submitted to the Council. Such final stands would be taken just before the Council takes a decision (3).

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- (1) See European Report No. 411, 23/4/77.
 - (2) Logically, the Commission proposals should be referred to the ESC and the European Parliament at the same time. When this does not happen, the ESC should exercise its right of initiative.
 - (3) When the Council delays its decision on a major proposal, the Committee's Bureau, with the agreement of the full Committee, can instruct the Chairman (under the second paragraph of Article 9 of the Rules of Procedure, which entrusts him with relations with the Council) to reiterate previous Committee statements on the matter, and call for an early decision reflecting the Committee's views; Cf. the procedure followed on the siting of JET (181st Bureau

It follows from the above that the Committee's right of initiative allows it to state its views throughout the decision-making process, at any moment which it considers fit.

3. New Openings afforded by Combined Use of the Right of Initiative and other Procedures provided for in the Rules of Procedure

Over the many years (1958-1972) when the Committee's powers were more limited, there was a great temptation for the Institutions (and especially the Commission) to consult sectoral committees on some issues. As a result, the consultative process became diluted and, by the same token, less transparent and less effective (1).

Combined use of the right of the initiative and the procedures authorized by the Rules of Procedure for specific circumstances, could bring it home to the Institutions that they can henceforward carry out all their consultation through the ESC, and that it is unnecessary to set up consultative committees on specific matters.

The new fourth paragraph of Article 20 of the Rules of Procedure makes it clear that when the Committee takes up on its own initiative a matter relating to the tasks assigned to the Communities, it is to do so only by issuing Opinions.

But the ESC has other instruments at its disposal - Studies (second paragraph, Article 20 of Rules of Procedure), additional Opinions (third paragraph, Article 20) and Information Reports (Article 24).

The inclusion of the right of initiative in Article 20 of the Rules of Procedure may, however, influence the way in which the other ESC instruments deployed at the preparatory stage are used (2).

Continuation footnote 3 on page 118

meeting, 25 January 1977, Doc. R/CES 104/77, p. 5). For the previous stages, see Opinion on the Proposal for a Community Programme for 1976 - 1980 in the Field of Controlled Thermonuclear Fusion and Plasma Physics (Doc. CES 1233/75) and the Statement of the Bureau of the Section for Energy and Nuclear Questions (7 January 1977, Doc. CES 1334/76, pp. 2 and 3).

- (1) See ESC Opinion of 28/3/74 on the Place and Role of the ESC (op. cit., p. 139, footnote 3), p. 8.
- (2) See definition of the Opinions, Studies and Information Reports in the Bureau's Standing Orders of April 1980 - ESC Basic Documents, April 1980, Part III, pp. 77 et. seq.

The 1968 Rules of Procedure's provisions on Studies were amended in 1974. Prior agreement of the Council or Commission is no longer necessary for the drawing-up of a Study.

ESC studies, additional Opinions and Information Reports must be considered in the light of the new institutional situation created by the inclusion of a right of initiative in the ESC Rules of Procedure.

Needless to say, where one of these instruments is used in combination with the right of initiative, the rules on the use of that right (e.g. authorization to draw up an own-initiative Opinion) (1), should also influence how these preliminary documents are used.

These three other instruments - Studies, additional Opinions and Information Reports - which give the ESC a certain scope for action, are discussed below :

a) Studies

Studies are drawn up on "questions on which the Treaties provide that it (the ESC) must or may be consulted".

The first paragraph (second sentence) of Article 198 of the EEC Treaty states that the Committee may be consulted by the Council or by the Commission in all cases in which they consider it appropriate (optional consultation). It follows that Studies can be drawn up on any subject of relevance to Community activity apart from matters which fall under the Treaty establishing the European Coal and Steel Community.

Studies, like own-initiative Opinions can, therefore, be drawn up on any matter of relevance to the EEC or the EAEC.

It could be considered that Studies, which in the past enabled the ESC to express its views on subjects on which it was not asked for an Opinion, no longer have the same usefulness now that the ESC has the right of initiative and should therefore be employed differently (2).

As Studies consist of a detailed evaluation of facts relevant to future Community action, it is logical that in future Studies should be combined with own-initiative Opinions. The ESC could first carry out a Study to clarify and highlight the different problems. The subsequent own-initiative Opinion would state the ESC's position as regards solving the problem identified and analyzed in the Study (3).

(1) See pp. 9-12 of Bureau's Standing Orders (1976) - ESC Basic Document.

(2) See Bureau's Standing Orders p. 47 et. seq.

(3) See Appendices I. A and II. A.

The Studies on the Community's relations with Portugal, Greece and Spain (1) for instance provided the factual basis for an ESC Opinion on enlargement policy (2).

This procedure allows full, objective exploration of the different aspects of a problem (3), where there is no existing Commission document (4).

No problem arises when the ESC takes up a specific issue in order to urge the Institutions to initiate a new policy. Where, however, the ESC produces a Study on a matter on which the Commission is already working, there is a danger - which should not be underestimated - that the ESC will duplicate the Commission's work, often with inadequate resources.

Be that as it may, the ESC's right to combine a Study with an own-initiative Opinion (second and fourth paragraphs of Article 20 of the Rules of Procedure) give it scope for independent, effective action.

b) Additional Opinions (third paragraph, Article 20 of the Rules of Procedure)

Additional Opinions can relate to previous own-initiative Opinions, or to previous Opinions drawn up on matters referred (optionally or mandatorily) by the Commission or the Council (5).

Additional Opinions enable the ESC to take account of changes in the factual or legal situation obtaining at the time it issued its original Opinion.

c) Information Reports (Article 24 of the Rules of Procedure)

Article 24 states that the Chairman, in agreement with the Bureau, may instruct a Section to compile an Information Report for the Members of the Committee.

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- (1) Study on Relations between the Community and Portugal of 27.4.77 (CES 485/77 and App.); Study on relations between the Community and Greece of 11.7.78 (CES 774/78 and App.); Study on Relations between the Community and Spain of 12.7.78 (CES 844/78) and 23/5/79 (CES 611/79).
 - (2) Opinion of 27.6.79; CES 766/79 and Record of Proceedings 780/79; O.J. No. C 247 of 1.10.79.
 - (3) See Bureau's Standing Orders, pp. 47 et seq. Where a clear consensus appears to be emerging during work on a Study the Bureau may, at the request of the relevant Section, decide that the Committee should issue an own-initiative Opinion rather than a study.
 - (4) See Bureau's Standing Orders, pp. 47 et seq.
 - (5) They allow the Committee, for instance, to amplify a previous Opinion which it had to produce without sufficient time for exhaustive evaluation.

The phrase in Article 24 of the Rules of Procedure "When the Council or the Commission lays a question of particular importance before the Committee for information purposes", limits the use of this procedure to cases where the Council or Commission has forwarded a report or other document to the Committee for information purposes (1) (2).

An Information Report can clarify matters where the ESC had still to make up its mind whether a given issue is a suitable topic for an own-initiative Opinion. On the basis of the Information Report, the Committee can decide whether or not to draw up an own-initiative Opinion (3).

Such Information Reports can consist of research findings without the Committee having to take a stand on the document under examination.

It is up to the Plenary Session to consider on the basis of a proposal from the Bureau, whether a short own-initiative Opinion should be drawn up on the basis of an Information Report or a Study, which would then serve as a Report.

d) Guidelines given by the Bureau for the Use of Studies and Information Reports

Studies or Information Reports may be employed where the own-initiative Opinion procedure seems to be too ponderous for a highly technical and sectoral issue on which the Commission and the Council are keen to ascertain the views of figures and organizations representing the groups directly affected. These views could be expressed in an Information Report or a Study prepared by the appropriate ESC Section.

It is worth bearing in mind here that the Bureau's Standing Orders (4) provide that the Committee may, without expressing its views on the substance of the document in question, decide to forward Studies and Information Reports to the appropriate institutions.

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- (1) See the Bureau's Standing Orders p. 47 et seq.
 - (2) See Reflections on proposals for improvements in the organization and running of the Committee - Mr VANNI, Chairman, 27.11.79.
 - (3) See Bureau's Standing Orders, pp. 47 et seq. It is possible that the legal nature of the work on an Information Report may be changed by the Committee if a clear position is found to be emerging. The Bureau may at the Section's request decide that the Committee should express itself in the form of an own-initiative Opinion.
 - (4) See ESC Basic Documents, pp. 47 et seq.

Under the second and fourth paragraph of Article 20 and Article 24 of the Rules of Procedure, Studies and Information Reports could be used to pass on to the Commission and the Council specific technical data provided by the relevant organizations represented on an ESC Section.

In practice the ESC could :

- a) instruct a Section to draw up a Study or an Information Report;
- b) request that Section to submit this Study or Information Report to it on completion;
- c) inform the appropriate Institutions that the ESC Section is drawing up a Study or an Information Report on a particular topic.

To this end the Section responsible would assemble the necessary documentation and its findings would be subsequently passed on to the Council and the Commission.

Use of Studies and Information Reports in this way could give a new dimension to these instruments.

Such a combination of the right of initiative and Studies and Information Reports (provided for in the Rules of Procedure) could enable socio-economic interest groups to hold highly technical consultation at the ESC. This could eliminate the need for sectoral advisory committees to deal with fields where the Commission requires the views of the parties concerned.

However, this formula should not be thought of as opening all doors, since even by appointing experts and assistants under Articles 15-16 of the Rules of Procedure it would not always be possible for the ESC to ensure adequate representation of the sector in question.

E. EXERCISE OF THE ESC'S RIGHT OF INITIATIVE AND RELATIONS
WITH THE OTHER INSTITUTIONS

1. The European Parliament

The initial situation

Aware of the particular role played by the ESC in the ambit of the European Communities, Mr CANONGE, the then Chairman, was concerned to put relations between the Committee and the Parliament on a formal basis (1), at the time the right of initiative was finally being written into the ESC's Rules of Procedure.

Despite an attempt in 1972, immediately after this right had been acknowledged (2), to place relations between the ESC and the Parliament on a sounder footing, it took some time before the first real approaches, instigated by Mr LAPPAS, the Chairman at the time, produced results.

It was not until the talks and exchanges of letters (3) in early 1975 between Mr CANONGE and the Presidents of the European Parliament, Mr BERKHOUWER and Mr SPENALE, that the basis was laid for pragmatic, evolving cooperation. Since then two further developments have swept away the hurdles that Mr LAPPAS had encountered.

1. The Council's narrow interpretation of the Treaty provisions concerning the circulation of ESC Opinions had been seen as restricting contacts between the Parliament and the ESC. This restriction vanished when Mr J. ERTL, the then

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- (1) See, for example, the visit of ESC Chairman, Louis MAJOR, to the President of the European Parliament. Alain POHER, 21 February 1967 (R/CES 79/67) - Definition of the specific role of the ESC, see pp. 139 et seq.
 - (2) This right of initiative enables the ESC to deliver an Opinion on any matter encompassed by the two Treaties whenever it sees fit. Publication in the Official Journal not only had the effect of improving the quality of ESC Opinions but altered the pattern of inter-institutional relations, particularly between the Parliament and the ESC.
 - (3) See letter of 4 February 1975 from Mr CANONGE to Mr BERKHOUWER, P. 2 and Mr BERKHOUWER's reply of 10 March 1975; letter of 21 March 1975 from Mr SPENALE to the Chairmen of EP Committees.

President of the Council, wrote to Mr LAPPAS in February 1974 (1) recognizing the ESC's right to have its own-initiative Opinions published in the Official Journal. This meant that not only the general public but also the other Community Institutions could henceforth be informed about ESC Opinions, so that there was no longer any legal impediment to the Communication of ESC Opinions to the Parliament.

2. Looking ahead to its election by direct universal suffrage and the consequent increase in its political importance, the Parliament had taken a more favourable attitude to the moves by the ESC.

As all legal barriers and hesitations on the Parliament's side had been disposed of, a formula was worked out that took due account of the forthcoming direct elections, which were expected to boost the Parliament's influence.

Following the exchanges of letters in the first quarter of 1975 (2) arrangements were therefore made for a more judicious distribution of Committee documents to MEPs.

On top of this, ESC Rapporteurs have been invited to address the relevant EP Committees on certain ESC Opinions to improve the two-way flow of information. This form of co-operation too was the outcome of the above exchange of letters and covered in particular the ESC's own-initiative Opinions.

Under this informal arrangement, "hearings" were organized between 1975 and 1980 by EP Committees and other ad hoc EP bodies (3) at which ESC Rapporteurs presented ESC Opinions, Reports and Studies (4).

At the close of her talks in Rome with Mr COLOMBO, in March 1979, Mrs BADUEL-GLORIOSO, the then ESC Chairman draw attention once again to the need for these mutual exchanges of information (5).

(1) Appendix to letter No. 924/74 of 12 February 1974 from Mr J. ERTL, President of the Council, to Mr LAPPAS.

(2) See footnote 3 on previous page.

(3) e.g. the EEC - Greece Joint Committee

(4) See Appendix V - list of ESC members invited to address EP Committees

(5) Minutes of the meeting between the ESC Chairman and Vice-Chairmen and Section and Group Chairmen, held in Rome on Thursday 22 March 1979 (R/CES 375/79).

In view of the increasing impact Parliament is having on the Community decision-making process (1), such hearings would currently seem an appropriate way of keeping MEPs informed of ESC work.

In this way an extensive network of contact between EP Committees and ESC Sections was gradually built up via the general secretariats thereby associating the ESC with various branches of the Parliament's work.

This pragmatic relationship still has flexibility and informality as its keynote and is thus very fragile, though founded on an agreement between the presidents of the two institutions (2).

Yet the Parliament has since enshrined this cooperation procedure officially in its Report on inter-institutional relations (3), which calls for a more rational system of consultation.

In this context it recommends that:

1. The Parliament and the ESC keep each other fully briefed on all Draft Opinions on matters referred by the Council to both of them;
2. ESC experts be invited to address public hearings organized by EP Committees.

Relations between the ESC and the European Parliament since the latter's election by direct universal suffrage

As early as 1974 it was realized that closer ties were needed between the ESC and the European Parliament as part of the dynamic development of the activities of the Community institutions, in particular the Parliament. As the European Parliament steps up its activities the ESC should do likewise. In this way as soon as the EP has real powers, the Committee

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- (1) The 1980 budgetary procedure and the resolution of 14 November 1979 on convergence and budgetary matters (PE 60.992 final) are two examples.
 - (2) The agreement reached by Mr BERKHOUWER and Mr CANONGE was approved by the EP Bureau on 4 March 1975.
 - (3) Meeting docs. 1978-1979 (30 May 1978 - PE 148/78 - Rapporteur Lord REAY).

will be able to advise it as well as the Commission and the Council (1).

The Committee is conscious that its role is fundamentally different from that of the European Parliament. Mr CANONGE described the position in very general terms in his speech to mark the end of his term of office, as follows (2):

"Democratically-elected Parliaments are the essential and most general expression of the aspirations and will of the people.

The two sides of industry and professional organizations, and the assemblies and bodies in which they are represented, have a legitimate claim to speak out for economic and social groups, expressing their fears and needs, and putting forward their proposals".

This definition of the ESC's role should provide the basis for a more confident relationship reflecting the two institutions' specific functions. The ESC's activities would continue to develop while retaining their consultative character, and the Parliament would acquire more and more political authority.

Its election by universal suffrage has made the Parliament significantly more representative. Here two factors must be borne in mind:

- direct election by the Community's citizens (3)
- the increase in the number of MEPs from 198 to 410.

At European level, this ensures that the Parliament will serve a wider and more representative cross-section of the electorate, of the regions and, by the same token, of economic and social interests.

(1) See interview with Roger LOUET published in "30 Jours d'Europe" No. 188, March 1974, p. 30 and ETUC statement urging improvements in the operation of the Economic and Social Committee, pt. C4, p. 2; Agence Europe Monday/Tuesday, 25 and 26 April 1977 No. 2204 (new series), p. 8

(2) R/CES 927/76, Appendix A 2, pp. 5, 6 and 24.

(3) It now derives its authority from the 110 million Europeans who voted in the elections held between 7 and 10 June 1979.

The Parliament's greater representiveness and new powers will encourage the Committee to increase its representativeness in the consultative field as the Parliament has done in the political sphere (1).

Direct elections to the Parliament will (2) lead to a significant, not to say decisive, shift in the Community's internal balance, which will promote the development of common policies based on common institutions. There could be certain spin-off benefits for the Committee inasmuch as the revamped Parliament is now more political. It is to be hoped that this will subsequently make for closer contact with the Committee in the context of economic and social democracy.

Speaking on behalf of the Parliament on the occasion of the Committee's twentieth anniversary celebrations, Mr YEATS stressed that there should be a much closer relationship between the two institutions after the direct election (3). He said that they should coordinate their work and complement each other.

The report on the Community institutions (4) presented by the "Three Wise Men" to the European Council urges the ESC to make a special effort to cooperate with the Parliament in the general political sphere and in advising on the details of Community texts.

With this in mind, Mr VANNI wrote to Mrs VEIL, President of the Parliament, on 30 October 1979, advocating that the institutions brief each other more fully on the progress of their work and recommending more frequent meetings between the Chairmen of EP Committees and ESC Section.

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- (1) Speech by Mr CANONGE to mark the end of his term of office (op. cit., p. 141, footnote 1), p. 24: "... But once this new Parliament is in being, there is a risk of an increasing imbalance between the political powers of Parliament and the powers of what we know as the Economic and Social Consultative Assembly."
 - (2) In this connection, cf. the interview which Mr Basil de FERRANTI, the then ESC Chairman, gave to "Comunità Europee", May 1977 edition.
 - (3) Doc. CD 41/78.
 - (4) October 1979; p. 84.

When addressing the Committee on 3 July 1980, Mrs VEIL made it clear that the Parliament too was eager for closer cooperation with the Committee, due account being taken of each institution's independence and specific function. She referred to the report being compiled on relations with the ESC by the EP Political Affairs Committee, in connection with a study of relations between the Community institutions (1).

The mentioned her keen interest in stepping up the circulation of information between the Parliament and the ESC. Substantial progress had already been achieved, particularly from 1975 onwards. Between 1975 and 1980 EP Committees had on about ten occasions been addressed by ESC Rapporteurs and the Chairmen of EP Committees and ESC Sections had met several times to exchange views. ESC Rapporteurs had also been invited to attend Parliament hearings particularly in recent months.

Mrs VEIL was wholeheartedly in favour of ESC Opinions being communicated and discussed at EP Committee and Plenary levels whenever they related to a matter also referred to the Parliament. In some cases it could be most useful for EP Rapporteurs to be able to draw on an ESC Opinion in compiling their reports, whether the Opinion reflected a unanimous stand - and was therefore a valuable indication - or whether it included a statement of minority views.

Mrs VEIL also referred specifically to the procedure provided for in the Lomé Convention for cooperation between Community and ACP economic and social interest groups. This procedure has laid the foundations for closer contacts between the EP Committee on Development and Cooperation and the ESC.

Lastly, Mrs VEIL recommended a more systematic approach to relations between the two institutions; Though, for practical reasons and on grounds of principle, it was in the interests of neither body to over-institutionalize the desired contacts, a haphazard approach was to be avoided. A fairly set pattern taking account of the respective work programmes, would probably be the best solution.

(1) Report on Relations between the European Parliament and the ESC, subsequently drawn up by Mrs Fabrizia BADUEL-GLORIOSO, former ESC Chairman (1978-1979). (Doc. of 27 May 1981 - No. I-226/81)

At the joint meeting of 23 September 1980 between the ESC Bureau and the Group and Section Chairmen, Mr VANNI reiterated Mrs VEIL's call and asked the Bureau to draw up guidelines for a formula which was to be finalized once the Parliament had discussed its report on relations with the ESC.

In its report of 27 May 1981 (1) covering the various aspects of the matter, the EP Political Affairs Committee proposed that :

- MEP's be kept systematically informed of the Opinions delivered and the Studies carried out by the ESC;
- more frequent hearings with Rapporteurs be arranged (taking into account the specific problem of work schedules) on matters relating to the terms of reference of ESC Sections and EP Committees, in agreement with their Chairmen;
- in future, MEPs be invited to play an active part in the special events organized by the ESC so that they would be better able to take account in the course of their own work of the relations between the social partners, their preoccupations and the positions adopted by them;
- the presidents of the two institutions agree on an annual programme of contacts and consultation to underline their mutual collaboration.

On 9 July 1981 the Parliament adopted by a substantial majority a resolution embodying the conclusions set out in the above report (2).

(1) On relations between the Parliament and the ESC
Doc. I-226/81.

(2) Minutes of the Session of 9 July 1981 (Doc. PE 73.676,
pp. 27-28)

2. The Council of Ministers

The Committee's right of initiative provides a basis for closer cooperation with the Council as well as with the Parliament.

The right to "refer matters to itself", enables the ESC to act at all stages of the Community procedure - even at the last minute (1). The fact that it may already have given an Opinion under the ordinary procedure does not preclude an own-initiative Opinion on some specific technical point at a subsequent stage.

Over the years, Committee Chairmen have successfully worked for better relations with the Council : the present pattern of relations is enshrined in a letter sent by the President of the Council on 12 February 1974 to Mr LAPPAS (2).

In this letter, the Council agreed to :

- ensure continuous cooperation during the preparation of ESC Opinions, and
- act on ESC Opinions, taking them into account at all levels of its work.

It also asked :

- a) its President to attend one ESC Session a year for the purpose of presenting a statement on the Council's work and consolidating the good relations between the Council and the Committee (3),

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- (1) See Chapter IV A of this document : The Community decision-making process and the ESC.
 - (2) Appendix to Letter No. 924/74 of 12.2.1974 from Mr J. ERTL, President of the Council.
 - (3) Mr Michel DURAFOUR, President of the Council and French Minister of Labour, inaugurated this series of visits on 17 July 1974. Mr THORN (Luxembourg) in January 1972, and Mr HARMEL (Belgium) in January 1973, had already set a precedent.

This example has since been followed by, among others, Mr MART (Luxembourg) on 26 May 1976, Mr JUDD and Mr GRAN (United Kingdom) on 7 July and 4 August 1977, Mr SCHLECHT (Germany) on 19 October 1978 and Mr BOULIN (France) on 7 August 1979.

- b) The members of the National Permanent Representations to send observers to ESC discussions whenever possible,
- c) its Secretariat-General to designate suitably qualified officials as its observers at all ESC Plenary Sessions.

Lastly, it recommended informal meetings between the ESC Chairman and the Chairman of COREPER for the purpose of a broad exchange of views and a general briefing on relations with the Council.

In November 1976, in a Memorandum to the members of the ESC Bureau (1), the Committee Chairman proposed that the Committee hold preliminary Group and Section meetings to prepare more thoroughly for these discussions.

Mr de FERRANTI, the ESC Chairman at the time (2), did not find these formal meetings with the Ministers of the Member States and the Chairman of COREPER (four per year) sufficient. The Council was a political body and ESC views would only have the desired impact if they were adequately known at political level. He therefore proposed that, after each Plenary Session, meetings be arranged and personal letters sent out to Ministers and the heads of major European and national organizations influencing ministerial decisions so as to focus attention on the most noteworthy Opinions adopted at the Session concerned.

When the Committee was renewed in 1978, the Council confirmed that it attached great importance to ESC Opinions and referred to the large number of major new topics that the Committee would be examining over the subsequent four years, including the future stages of economic and monetary union and enlargement of the Community (3).

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- (1) Doc. R/CES 1103/76 rev., Item 8 d); Bureau meeting of 23 November 1976.
 - (2) Appendix to the Minutes of the ESC's 161st Plenary Session held on 12 and 13 July 1978 (CES 847/78 App.) (Mr de FERRANTI is currently Vice-President of the European Parliament).
 - (3) 203rd meeting of the ESC Bureau, held on 24 October 1978; Memorandum (R/CES 1000/78, Item 4 a)).

The value the Council placed on the Committee's views on these basic issues was borne out by the warm words of its President when the new Committee held its inaugural session in October 1978. Mr Otto SCHLECHT called on the ESC to consolidate its role in the Community machinery by taking steps to make its work more effective (1).

In June 1979 Mr BOULIN, President-in-Office of the Council, reminded the ESC that the Council was amenable to any suggestions for increasing the Committee's effectiveness and making the Community decision-making bodies more receptive to its views (2).

Lastly, the report by the "Three Wise Men" to the European Council on the Community Institutions(3) stated that the ESC should make greater use of its right to present resolutions to the Council on its own initiative with a view to focussing its discussions on major issues and ensuring wider publicity.

In the light of the above declarations of intent by Council and ESC representatives alike and the new institutional situation that has resulted from direct election of the European Parliament, it would seem desirable for both sides to pursue their efforts to improve contacts between the Council and the ESC.

At the end of 1979, Mr VANNI made several approaches to the Council on this subject in the belief that the hoped-for improvements could best be achieved if both parties started by implementing the existing rules. In practice this meant :

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- (1) Address by Mr Otto SCHLECHT, State Secretary in the Federal German Ministry of Economic Affairs, at the ESC's Plenary Session of 17-19 October 1978 (CES 981/78 App. 2).
 - (2) p.3 of the Appendix to the minutes of the Plenary Session of 27-28 June 1979 (CES 767/79 App. 3; address by Mr BOULIN)
 - (3) October 1979; p. 84.

- preparing more thoroughly the annual statement made by the President of the Council to the ESC Plenary Session;
- ensuring more satisfactory Council representation at ESC Section meetings; in some cases (in pursuance of Article 53 of the Committee's Rules of Procedure) the meetings should be attended not only by officials from the Council's General Secretariat but also by COREPER representatives;
- stepping up meetings between COREPER and ESC representatives (to which the Council had agreed in Mr ERTL's letter in 1974) to ensure a more effective two-way flow of information and closer coordination of the two work schedules.

Mr VANNI also recommended that ESC Rapporteurs be invited to brief the Chairmen of the COREPER working parties concerned on the most salient points of Opinions to which the ESC attached particular importance.

Replying to Mr VANNI, Mr PLAYA, Chairman of COREPER, agreed that ties between the two bodies should be strengthened and endorsed Mr VANNI's recommendations as a practical basis for so doing.

Improved relations within the ambit of the existing Community decision-making machinery could help to make the Council more receptive to the views of the economic and social interest groups.

On becoming Chairman, Mr ROSEINGRAVE has continued to give priority to this matter. On 11 November 1980 and 23 January 1981 he held talks with the then Chairman of COREPER (Mr DONDELINGER and Mr RUTTEN) with a view to introducing exchanges of views between ESC representatives and Chairmen of Council working parties (1). Two such meetings have been held to date (2).

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- (1) Letter of 31 March 1981 from Mr ROSEINGRAVE to Mr H.J.Ch. RUTTEN, and reply of 4 May 1981.
 - (2) Meetings between ESC representatives and the Chairmen of the Council working parties on hormones (24 June 1981) and harmonization of Tobacco Taxes (25 June 1981).

3. The Commission

In order to appreciate the development of relations between the ESC once it had acquired the right of Initiative, and the Commission, some statements made by Commission and ESC officials during the last few years should be examined.

As early as 1965 the Chairman of the ESC, Mr Piero GUISTINIANI, had objected to the increasing number of "Commission consultative bodies bearing all manner of different names".

The Chairman had then given a reminder that, by the terms of the Treaty, the Economic and Social Committee alone was entrusted with "the role of consultative body, at least at the text preparation stage" (1).

On 26 November 1970 at the Committee's 90th Plenary Session Mr MALFATTI, who was President of the Commission at the time, expressed similar views by stressing the Committee's "extremely important role at the present time"; he added that since the Community has, more than ever, need of constructive criticism from public opinion, the Committee would be "called upon more and more to act as the spokesman of the recognized interest groups".

He then gave his assurance that :

- the Commission would continue "to ask for the opinion of the ESC, even when such a course was neither obligatory nor provided for in the Treaties"; and that
- senior officials of the Commission would continue to assist the Committee in its work, and that the members of the Commission would make every effort to participate in the Plenary Sessions.

He then pronounced himself greatly in favour of continuing the practice of "keeping the Committee informed of the work being carried out by the Commission by forwarding the main reports, and proposals of the Commission to the competent authorities of the Committee, for their information".

(1) Plenary Session of 27 and 28 January 1965; doc. CES 42/65 appendix 1, p. 7

Finally, he felt it most important that the Commission should send back to the Committee, at the same time as they were sent to the Council, the texts of its proposals once they had been amended in the light of the Committee Opinions (1).

In a speech four years later at the ESC Plenary Session in April 1974 (2), the Commission President, Mr ORTOLI, agreed "to more extensive information being given by his colleagues or by Commission officials at plenary session, Section and Study Group meetings".

However, he hoped that the arrangement would be fairly informal, and preferred "direct contact to writing reports". Then he suggested that Commissioners or Directors-General should regularly appear before the Committee and its working bodies, and give the Commission's points of view before it drew up its proposals, so that "there may be a debate, which would enable us to benefit from your reactions and any information you may be able to add".

In July 1978, Mr de FERRANTI, who was then Chairman of the ESC, pointed out that "the present formal procedures have proved trustworthy, but should be exploited to a greater extent". It was easy "to supplement official relations with the Commission with a series of informal contacts", especially visits of Section Chairmen and Committee Rapporteurs "to representatives of the Commission".

He suggested, however, that the Committee should "set itself as a long-term objective the setting up of a procedure for written, and perhaps oral questions, to the Commission and perhaps to the Council too"(3).

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- (1) Doc. CES 591/70, Appendix 4, p. 3,10,13,14.
 - (2) Speech of 30 April 1974; doc. CES 388/74, p. 20 and 21.
 - (3) 161st Plenary Session of the ESC on 12 and 13 July 1978 Doc. CES 847/78, Appendix pages 5 and 9.

In 1978 (1) the General Secretariat of the Commission informed the Committee Bureau of three important measures aimed at improving the organization of the work :

- the Commission's quarterly schedule would be submitted unofficially and confidentially to the Committee;
- the Secretariat of the Committee would be informed each Thursday of the main decisions taken during the course of the weekly Commission meeting;
- as soon as the Commission adopted a document, it would be passed on to the Committee, as a rule at the same time as it is passed on to the Parliament.

Mr TUGENDHAT, who is a member of the Commission, affirmed during the inaugural session of the Committee in 1978 (2) that the Committee's work was "extremely useful". The combination of a body such as the ESC with "a directly elected Parliament and the other two Community institutions, the Commission and the Council, seems to me to be unique".

However, the suggestion of the Committee Secretary-General, Mr Roger LOUET, to the Secretary-General of the Commission, Mr E. NOEL, "that the Committee should intervene in the decision-making process of the Community sooner than it does at present" encountered some reservations on the part of the Commission (3).

During the course of 1979, two stands favourable to the Committee were recorded :

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- (1) Minutes of the Bureau meeting of 18 December 1978, Doc. R/CES 1244/78.
 - (2) Appendix to the Minutes of the 162nd Plenary Session of the ESC of 17, 18 and 19 October 1978; Doc. CES 981/78 Appendix 3
 - (3) According to the Commission, if the Committee were consulted earlier, before the Commission had decided its own position, this would be without a legal basis. Letter of the Secretary-General of the Commission, Mr NOEL, to Mr LOUET, dated 4 January 1979.

- one, (in the "Spierenburg" report) proposed reforms in the Commission and its departments (1): It was stated that when drawing up proposals, the Commission could certainly ask the opinions of Government officials and of officials from industrial and trade union interest groups but that it should make sure that these discussions do not turn into preliminary negotiations, which result in "proposals being turned into compromise documents" even before they are submitted to the Council;
- the second, in the "Report of the Three Wise Men" where it was stated that (2) the Commission should pay more attention to the work and Opinions of the Committee.

In the majority of cases, especially since 1974, it is the Council which has consulted the ESC whilst the Commission has only rarely asked for its views (3). During a meeting which took place in January 1981, between the Commission President, Mr THORN and the Committee Chairman, Mr ROSEINGRAVE, stress was again laid on the fact that the Committee attached great importance to being able to contribute to the Commission's work before it draws up written proposals.

However, this summary can only give a very rough idea of the relations which exist between the Commission and the Committee; the presence of Commission representatives at Section, Sub-Committee and Plenary Session meetings indicate that working ties do in fact exist to quite a large extent at a technical level between the ESC and the Directorates-General of the Commission.

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- (1) P. 8 of the Report prepared on the Commission's request 24.9.1979.
 - (2) Report presented to the European Council on the Community Institution, October 1979, p. 84.
 - (3) Amongst the 70 Opinions issued by the Committee in 1973, which appear in the 1974 Annual Report, only 3 are the result of consultation by the Commission. Of the 47 Opinions mentioned in the 1978 Annual Report issued by the Committee in 1977 and 1978, not a single one was the consequence of consultation by the Commission.

Moreover, when the ESC draws up an Opinion, there is always continued close contact between the secretariats of the Committee Sections and the officials responsible for the corresponding sector of activity in the Commission.

Official relations between the ESC and the Commission are strengthened by the participation of the appropriate members of the Commission in several Plenary Sessions per year; these often provide occasions for extensive discussions between ESC members and Commissioners.

With regard to the Opinions which the Committee can draw on its own initiative, two points should be borne in mind: Commission representatives participate at the different levels

- Study Groups, Sections, Sub-Committees and Plenary Sessions - of work on own-initiative Opinions, just as they participate in work on ordinary Opinions (1)
- The Commission and the ESC have yet to set up a procedure whereby own-initiative ESC Opinions are mentioned in ensuing Commission proposals.

The Opinion on Transport Problems in Relations with Eastern Bloc Countries (2) is one of the most obvious examples. Although this Opinion did much to alert the Community public to the issue, it is not mentioned in the legal instruments subsequently proposed by the Commission (3).

The Commission should give careful consideration to ESC own-initiative Opinions, and where appropriate, should then propose legal instruments mentioning the relevant Opinion.

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- (1) Own-initiative Opinions are adopted after a debate at the Plenary Session at which the competent members of the Commission are present. This was the case for the Opinion on the second enlargement, delivered by the ESC in June 1979.
 - (2) Opinion approved at the Plenary Session of 23 and 24 November 1977 : Doc. CES 1160/77.
 - (3) Including the Council Draft Decision on the Activities of certain state-trading countries in cargo liner shipping, see Agence Europe of 14 April 1978 No. 997.

A P P E N D I X I

A. LIST OF OPINIONS DRAWN UP BY THE ESC ON ITS OWN
INITIATIVE

Preliminary Remark

Between January 1972 and 11 December 1980, the Economic and Social Committee adopted 938 texts, made up of :

- 787 Opinions;
- 69 Own-initiative Opinions;
- 25 Additional Opinions; and
- 37 Studies.

In addition, the Sections drew up 10 Information Reports.

- Opinion on GATT (overall approach), 111th Plenary Session held on 23-24.5.1973; Opinion: CES 438/73 + Appendices; Record of Proceedings: CES 449/73 + Appendices, OJ No. C115 of 28.9.1974.
- Opinion on the Technological and Industrial Policy Programme, 115th Plenary Session held on 28 and 29.11.1973; Opinion: CES 881/73 + Appendices; Record of Proceedings : CES 889/73. OJ No. C115 of 28.9.1974.
- Opinion on Economic and Monetary Union, 116th Plenary Session held on 12 and 13.12.1973; Opinion: CES 928/73 + Appendices; Record of Proceedings: CES 934/73 + Addendum. OJ No. C 115 of 28.9.1974.

- Opinion on the Common Agricultural Policy, 117th Plenary Session held on 30 and 31.1.1974; Opinion: CES 213/74 + Appendices; Record of Proceedings : CES 223/74. OJ No. C115 of 28.9.1974.
 - Opinion on GATT (Agricultural Aspects), 118th Plenary Session held on 27 and 28.2.1974; Opinion: CES 215/74; Record of Proceedings : CES 225/74. OJ No. C115 of 28.9.1974.
 - Opinion on the Place and Role of the Economic and Social Committee in the Institutional Machinery of the Communities, 119th Plenary Session held on 27 and 28.3.1974; Opinion: CES 331/74 + Appendices; Record of Proceedings: CES 341/74. OJ No. C115 of 28.9.1974.
 - Opinion on Employment and the Change of Situation in the Community, 120th Plenary Session held on 29 and 30.5.1974; Opinion: CES 571/74; Record of Proceedings : CES 594/74; OJ No. C 109 of 19.9.1974.
 - Opinion on Development Cooperation, 121st Plenary Session held on 26 and 27.6.1974; Opinion : CES 703/74. Record of Proceedings : CES 720/74; OJ No. C 116 of 30.9.1974.
 - Opinion on the Conditions for granting National aid under the Common Structural Policy for Sea Fishing, 121st Plenary Session held on 26 and 27.6.1974; Opinion : CES 704/74 + Appendices; Record of Proceedings: CES 724/74; OJ No. C116 of 30.9.1974.
 - Opinion on the Situation of the Community, 122nd Plenary Session held on 17 and 18.7.1974; Opinion: CES 774/74; Record of Proceedings : CES 795/74 + Corrigendum; OJ No. C125 of 16.10.1974.
 - Opinion on Energy for Europe: Research and Development; 127th Plenary Session held on 29 and 30.1.1975; Opinion: CES 90/75; Record of Proceedings: CES 105/75; OJ No. C 62 of 15.3. 1975.
- Opinion on the Mediterranean Policy of the Community, 127th Plenary Session held on 29 and 30.1.1975; Opinion: CES 91/75 + Appendices; Record of Proceedings: CES 106/75; OJ No. C 62 of 15.3.1975.

- Opinion on Developing Countries in the GATT Negotiations, 127th Plenary Session held on 29 and 30.1.1975; Opinion: CES 92/75 + Appendices; Record of Proceedings: CES 107/75; OJ No. C 62 of 15.3.1975.
- Opinion on Education in the European Community, 129th Plenary Session held on 23 and 24.4.1975; Opinion: CES 487/75; Record of Proceedings : CES 505/75; OJ No. C 255 of 7.11.1975.
- Opinion on a Community Policy on Data-Processing; 129th Plenary Session held on 23 and 24.4.1975; Opinion: CES 485/75; Record of Proceedings : CES 503/75; OJ No. C 255 of 7.11.1975.
- Opinion on European Union, 132nd Plenary Session held on 16 and 17.7.1975; Opinion: CES 805/75; Record of Proceedings Doc. CES 811/75; OJ No. C 270 of 26.11.1975.
- Opinion on Transport and Telecommunications, 133rd Plenary Session held on 24 and 25.9.1975; Opinion : CES 963/75; Record of Proceedings : CES 974/75; OJ No. C 286 of 15.12.1975.
- Opinion on Development Cooperation Policy - Convention of Lomé; 135th Plenary Session held on 26 and 27.11.1975; Opinion: CES 1224/75; Record of Proceedings Doc. CES 1244/75; OJ No. C 35 of 16.2.1976.
- Opinion on the Economic and Social Situation of the Woman in the European Community; 137th Plenary Session held on 25 and 26.2.1976; Opinion : CES 215/76 + Appendices; Record of Proceedings : CES 228/76; OJ No. C 131 of 12.6.1976.
- Opinion on Unemployment in the Community, 137th Plenary Session held on 25 and 26.2.1976; Opinion : CES 216/76; Record of Proceedings : CES 229/76; OJ No. C 131 of 12.6.1976.
- Opinion on the Coordination of National Employment Policy Instruments, 138th Plenary Session held on 31.3. and 1.4.1976; Opinion : CES 376/67; Record of Proceedings : CES 387/76; OJ No. C 131 of 12.6.1976.

- Opinion on Regional Development Problems of the Community during the period 1975/1977 and the Establishment of a Common Regional Policy, 138th Plenary Session held on 31.3. and 1.4.1976; Opinion : CES 378/76, Record of Proceedings : CES 389 /76; OJ No. C 131 of 12.6.1976.
- Opinion on the Possibilities of Developing Advanced Technology Sectors in the Community through a Policy of Liberalizing Public Purchasing, 139th Plenary Session held on 25 and 26.5.1976; Opinion : CES 572/76; Record of Proceedings : CES 591/76; OJ No. C 197 of 23.8.1976.
- Opinion on the First Annual Report of the European Regional Development Fund (1975), 143rd Plenary Session held on 24 and 25.11.1976; Opinion: CES 1202/76; Record of Proceedings: CES 1219/76; OJ No. C 56 of 7.3.1977.
- Opinion on Specific Measures to Relieve Unemployment among the Elderly, Young People and Women Returning to Gainful Employment, 143rd Plenary Session held on 24 and 25.11.1976; Opinion : CES 1188/76 + Appendices; Record of Proceedings: CES 1205/76; OJ No. C 56 of 7.3.1977.
- Opinion on the Common Agricultural Policy in the International Context, 145th Plenary Session held on 26 and 27.1.1977; Opinion : CES 105/77 + Appendices ; Record of Proceedings: CES 110/77; OJ No. C 61 of 10.3.1977.
- Opinion on How Regional Development Helps Solve Unemployment and Inflation, 147th Plenary Session held on 30 and 31.3.1977; Opinion : CES 386/77; Record of Proceedings: CES 410/77; OJ No. C 114 of 11.5.1977.
- Opinion on the GATT Multilateral Trade Negotiations, 148th Plenary Session held on 27 and 28.4.1977; Opinion: CES 482/77; Record of Proceedings: CES 489/77; OJ No. C 126 of 28.5.1977.
- Opinion on the Implementation and Development of the Community's Consumer Protection and Information Programme, 149th Plenary Session held on 25 and 26.5.1977; Opinion : CES 564/77; Record of Proceedings: CES 569/77; OJ No. C 152 of 29.6.1977.

- Opinion on Transport Problems in Relations with Eastern Bloc Countries, 150th Plenary Session held on 22 and 23.6.1977; Opinion : CES 653/77; Record of Proceedings : CES 669/77; Not published in OJ.
- Opinion on Direct Cooperation between the Bodies Designated by the Member States to Verify Compliance with Community and National Provisions in the Wine Sector, 150th Plenary Session held on 22 and 23.6.1977; Opinion : CES 648/77; Record of Proceedings : CES 664/77; OJ No. C 180 of 28.7.1977.
- Opinion on Industrial Change and Employment - Assessment of the Community's Industrial Policy and Prospects, 151st Plenary Session held on 28 and 29.9.1977; Opinion : CES 891/77; Record of Proceedings : CES 904/77; OJ No. C 292 of 3.12.1977.
- Opinion on the European Regional Development Fund - Second Annual Report (1976), 151st Plenary Session held on 28 and 29.9.1977; Opinion : CES 902/77; Record of Proceedings : CES 915/77; OJ No. 292 of 3.12.1977.
- Opinion on Small and Medium-sized Enterprises in the Community Context, 153rd Plenary Session held on 23 and 24.11.1977; Opinion : CES 1158/77; Record of proceedings : CES 1170/77; OJ No. C 59 of 8.3.1978.
- Additional Opinion on Transport Problems in Relations with Eastern Block Countries, 153rd Plenary Session held on 23 and 24.11.1977; Opinion : CES 1160/77; Record of Proceedings: CES 1172/77; OJ No. C 59 of 8.3.1978.
- Opinion on the Communication concerning the Reorganization of the Common Organization of the Markets in the Beef and Veal Sector and Premiums and Intervention Measures in the Beef and Veal Sector, 154th Plenary Session held on 14 and 15.12.1977; Opinion : CES 1242/77; Record of Proceedings; CES 1252/77; OJ No. C 59 of 8.3.1978.
- Opinion on Standard Principles to be Applied in Credit Insurance and Export Credit Guarantee Schemes for Medium and Long-Term Transactions with Public and Private Buyers, 156th Plenary Session held on 1 and 2.3.1978; Opinion : CES 274/78; Record of Proceedings: CES 290/78; OJ No. C 101 of 26.4.1978.

- Opinion on the Report on Starch Products in the Community and on Production Refunds for Such Products, 156th Plenary Session held on 1 and 2.3.1978; Opinion: CES 276/78; Record of Proceedings: CES 292/78; OJ No. C 101 of 26.4.1978.
- Opinion on the State of the Customs Union of the EEC, 157th Plenary Session held on 29 and 30.3.1978; Opinion: CES 428/78; Record of Proceedings: CES 439/78; OJ No. C 181 of 31.7.1978.
- Opinion on Education and Vocational Training for Young Workers, 157th Plenary Session held on 29 and 30.3.1978; Opinion: CES 430/78; Record of Proceedings : CES 441/78; OJ No. C 181 of 31.7.1978.
- Opinion on Part-time Work and its Effects on the Organization of Work in the Present State of the Labour Market, 159th Plenary Session held on 31.5. and 1.6.1978; Opinion : CES 684/78; Record of Proceedings: CES 703/78; OJ No. C 269 of 13.11.1978.
- Opinion on the Draft Decision concerning the Activities of Certain State-trading Countries in Liner Sea Transport, 159th Plenary Session held on 31.5 and 1.6.1978; Opinion: CES 691/78; Record of Proceedings: CES 710/78; OJ No. C 269 of 13.11.1978.
- Opinion on a Community Stand in the face of International Monetary Disorder, 160th Plenary Session held on 20 and 21.6.1978; Opinion: CES 767/78; Record of Proceedings: CES 783/78; OJ No. C 283 of 27.11.1978.
- Opinion on the Implementation of the Lomé Convention - the Road towards a New Convention, 161st Plenary Session held on 12 and 13.7.1978; Opinion: CES 835/78; Record of Proceedings: CES 849/78; OJ No. C 114 of 7.5.1979.
- Opinion on the Future of Forestry in the Community, 161st Plenary Session held on 12 and 13.7.1978; Opinion: CES 836/78; Record of Proceedings : CES 850/78; OJ No. C 114 of 7.5.1979.
- Opinion on the Means of Communication in the Londonderry-Donegal Frontier Region, 161st Plenary Session held on 12 and 13.7.1978; Opinion : CES 842/78; Record of Proceedings: CES 856/78; OJ No. C 114 of 7.5.1979.
- Opinion on Greece's Application for Membership of the European Community, 163rd Plenary Session held on 29 and 30.11.1978; Opinion : CES 1141/78; Record of Proceedings: CES 1160/78; OJ No. C 105 of 26.4.1979.

- Opinion on Frontier Workers, 165th Plenary Session held on 24.1.1979; Opinion: CES 84/79; Record of Proceedings: CES 95/79; OJ No. C 128 of 21.5.1979.
- Opinion on the Third Annual Report of the European Regional Development Fund (1977), 166th Plenary Session held on 21 and 22.2.1979; Opinion: CES 229/79; Record of Proceedings : CES 239/79; OJ No. C 67 of 12.3.1979.
- Opinion on the Problems currently facing Community Shipping Policy, particularly Maritime Safety the Growing Importance of the New Shipping Nations, the Development of Flags of Convenience and the Discrimination against Certain Flags. 167th Plenary Session held on 4 and 5.4.1979; Opinion: 401/79; Record of Proceedings: CES 414/79; OJ No. C 171 of 9.7.1979.
- Opinion on the Communication from the Commission to the Council on Energy Objectives for 1990 and the Programmes of the Member States. 168th Plenary Session held on 22 and 23.5.1979; Opinion : CES 608/79; Record of Proceedings: 627/79; OJ No. C 227 of 10.9.1979.
- Opinion on the Means to be Used to Bring About a Greater Co-ordination of Member States' Economic Policies and thus a Greater Convergence of Economic Performance, 168th Plenary Session held on 22 and 23.5.1979; Opinion : CES 609/79; Record of Proceedings: CES 628/79; OJ No. 227 of 10.9.1979.
- Opinion on Subsidizing Loans for Restructuring, 168th Plenary Session held on 22 and 23.5.1979; Opinion: CES 610/79; Record of Proceedings: CES 629/79; OJ No. C 227 of 10.9.1979.
- Opinion on the Applications of Greece, Portugal and Spain for Membership of the Community, 169th Plenary Session held on 27 and 28.6.1979; Opinion: CES 766/79; Record of Proceedings: CES 780/79; OJ No. C 247 of 1.10.1979.
- Opinion on the Role and Influence of Local and Regional Authorities and Socio-Economic Organizations in Framing the Common Regional Policy, 172nd Plenary Session held on 24 and 25.10.1979; Opinion CES 1220/79; Record of Proceedings: CES 1239/79.
- Opinion on Industrial Restructuring and how to implement it at Community Level, 172nd Plenary Session held on 24 and 25.10.1979; Opinion: CES 1226/79; Record of Proceedings; CES 1245/79.

- Opinion on the Multiannual Programme for Achieving the Customs Union, 172nd Plenary Session held on 24 and 25.10.1979; Opinion: CES 1228/79; Record of Proceedings : CES 1247/79.
- Opinion on the Financing of the European Regional Development Fund, 172nd Plenary Session held on 24 and 25.10.1979; Opinion: CES 1236/79; Record of Proceedings : CES 1255/79.
- Opinion on the Problems of Trade Barriers and the Alignment of Laws in this Area, 173rd Plenary Session held on 21.11.1979; Opinion: CES 831/79.
- Opinion on the Fourth Annual Report of the European Regional Development Fund (1978), 173rd Plenary Session held on 21.11.1979; Opinion: CES 1214/79.
- Opinion on the Report on Some Structural Aspects of Growth, 176th Plenary Session held on 27 and 28.2.1980; CES 228/80.
- Opinion on the Use of Medicine and its Effects on Public Health, 178th Plenary Session held on 29 and 30 April 1980; CES 446/80.
- Opinion on Regional Programmes, 178th Plenary Session held on 29 and 30 April 1980; CES 470/80.
- Opinion on the Report on the European Institutions, 179th Plenary Session held on 28 and 29 May 1980; CES 551/80.
- Opinion on Development Co-operation Policy and the Economic and Social Consequences of the Application of Certain International Standards Governing Working Conditions, 180th Plenary Session held on 2 and 3 July 1980; CES 667/80.
- Opinion on the Distribution between the Member States of the Total Catch Possibilities of Stocks or Groups of Stocks Occurring in the Community Fishing Zone, 183rd Plenary Session held on 19 and 20 November 1980; CES 1216/80.
- Opinion on the European Regional Development Fund (5th Annual Report 1979), 184th Plenary Session held on 10 and 11 December 1980; CES 1349/80.
- Opinion on the Protection of Investments in Less-Developed Countries, 184th Plenary Session held on 10 and 11 December 1980; CES 1354/80.
- Opinion on the Community's Accession to the European Convention on Human Rights, 184th Plenary Session held on 10 and 11 December 1980; CES 1355/80.

A P P E N D I X I

B. ESC OWN-INITIATIVE OPINIONS BY SUBJECT : 1972-1980

1. Institutional Machinery and General Issues

- Opinion on the place and Role of the ESC in the Institutional Machinery of the Communities (March 1974);
- Opinion on the Situation in the EEC (July 1974);
- Opinion on European Union (July 1975);
- Opinion on the Report on the European Institutions (May 1980);
- Opinion on the Community's Accession to the European Convention on Human Rights (December 1980).

2. Enlargement

- Opinion on Greece's Application for Membership of the European Community (November 1978);
- Opinion on the Applications of Greece, Portugal and Spain for Membership of the Community (June 1979).

3. External Relations

- Opinion on the GATT Multilateral Negotiations (May 1973);
- Opinion on the Agricultural Aspects of the GATT Negotiations (February 1974);
- Opinion on Development Co-operation (June 1974);
- Opinion on the Community's Mediterranean Policy (January 1975);

- Opinion on Developing Countries and the GATT Negotiations (January 1975);
- Opinion on Development Co-operation Policy - Convention of Lomé (November 1975);
- Opinion on the GATT Multilateral Trade Negotiations (April 1977);
- Opinion on the Implementation of the Lomé Convention - the Road towards a New Convention (July 1978);
- Opinion on Development Co-operation Policy and the Economic and Social Consequences of the Application of Certain International Standards Governing Working Conditions (July 1980);
- Opinion on the Protection of Investments in Less-Developed Countries (December 1980).

4. Economic and Financial Questions

- Opinion on Economic and Monetary Union (December 1973);
- Opinion on the State of the Customs Union of the EEC (March 1978);
- Opinion on a Community Stand in the face of International Monetary Disorder (June 1978);
- Opinion on a Greater Convergence of Member States' Economic Policies and performance (May 1979);
- Opinion on Subsidizing Loans for Restructuring (May 1979);
- Opinion on the Multiannual Programme for Achieving the Customs Union (October 1979);
- Opinion on the Problems of Trade Barriers and the Alignment of Laws in this Area (November 1979).

5. Social Questions

- Opinion on Employment and the Changed Situation in the EEC (May 1974);
- Opinion on Education in the EEC (April 1975);
- Opinion on the Economic and Social Situation of Women in the EEC (February 1976);
- Opinion on Unemployment in the EEC (February 1976);
- Opinion on the Co-ordination of National Employment Policy Instruments (April 1976);
- Opinion on Specific Measures to Relieve Unemployment among the Elderly, Young People and Women Returning to Gainful Employment (November 1976);
- Opinion on Education and Vocational Training for Young Workers (March 1978);
- Opinion on Part-time Work and its Effects on the Organization of Work in the Present State of the Labour Market (June 1978);
- Opinion on Frontier Workers (January 1979).

6. Regional Policy

- Opinion on Regional Development in the Community in 1975-77 and Establishment of an EEC Regional Policy (April 1976);
- Opinion on the 1st ERDF Annual Report (1975) (November 1976);

- Opinion on How Regional Development Helps Solve Unemployment and Inflation (March 1977);
- Opinion on the European Regional Development Fund - Second Annual Report (1976) (September 1977);
- Opinion on the 3rd ERDF Annual Report (1977) (February 1979);
- Opinion on the Role and Influence of Local and Regional Authorities and Socio-Economic Organisations in Framing the Common Regional Policy (September 1979);
- Opinion on ERDF Funds (October 1979);
- Opinion on the 4th ERDF Annual Report (1978) (November 1979);
- Opinion on Regional Programmes (April 1980);
- Opinion on the 5th ERDF Annual Report (1979) (December 1980).

7. Consumer Affairs

- Opinion on the Implementation and Development of the Community's Consumer Protection and Information Programme (May 1977);
- Opinion on the Use of Medicines and Its Effects on Public Health (April 1980).

8. Agriculture

- Opinion on the Common Agricultural Policy (January 1974);

- Opinion on the Common Agricultural Policy in the International Context (January 1977);
- Opinion on Direct Co-operation between the Bodies Designated by the Member States to Verify Compliance with Community and National Provisions in the Wine Sector (June 1977);
- Opinion on the Communication concerning the Re-organization of the Common Organization of the Markets in the Beef and Veal Sector and Premiums and Intervention Measures in the Beef and Veal Sector (December 1977);
- Opinion on the Report on Starch Products in the Community and on Production Refunds for Such Products (March 1978);
- Opinion on the Future of Forestry in the Community (July 1978).

9. Fisheries

- Opinion on the Conditions for Granting National Aid under the Common Structural Policy in the Sea Fishing Sector (June 1974);
- Opinion on the Distribution between the Member States of the Total Catch Possibilities of Stocks or Groups of Stocks Occurring in the Community Fishing Zone (November 1980).

10. Transport and Communications

- Opinion on Transport and Communications (September 1975);
- Opinion on Transport Problems in Relations with Eastern Bloc Countries (June and November 1977);

- Opinion on the Draft Decision concerning the Activities of Certain State-trading Countries in Liner Sea Transport (June 1978);
- Opinion on the Means of Communication in the Londonderry-Donegal Frontier Region (July 1978);
- Opinion on the problems currently facing Community Shipping Policy (Maritime Safety, Flags of Convenience ...) (May 1979).

11. Trade and Industry

- Opinion on Industrial and Technological Policy (November 1973);
- Opinion on a Community Data Processing Policy (April 1975);
- Opinion on the Possibilities of Developing Advanced Technology Sectors in the Community through the Liberalization of Public Purchasing (May 1976);
- Opinion on Industrial Change and Employment - Assessment of the Community's Industrial Policy and Prospects (November 1977);
- Opinion on Small and Medium-sized Enterprises in the Community Context (November 1977);
- Opinion on Standard Principles to be Applied in Credit Insurance and Export Credit Guarantee Schemes for Medium and Long-term Transactions with Public and Private Buyers (March 1978);
- Opinion on Industrial Restructuring and how to implement it at Community Level (October 1979);

- Opinion on the Report on Some Structural Aspects of Growth (February 1980).

12. Energy

- Opinion on Energy for Europe : Research and Development (January 1975);
- Opinion on the Communication from the Commission to the Council on Energy Objectives for 1990 and the Programmes of the Member States (May 1979).

NUMBER OF OWN-INITIATIVE OPINIONS ISSUED, BY SUBJECT

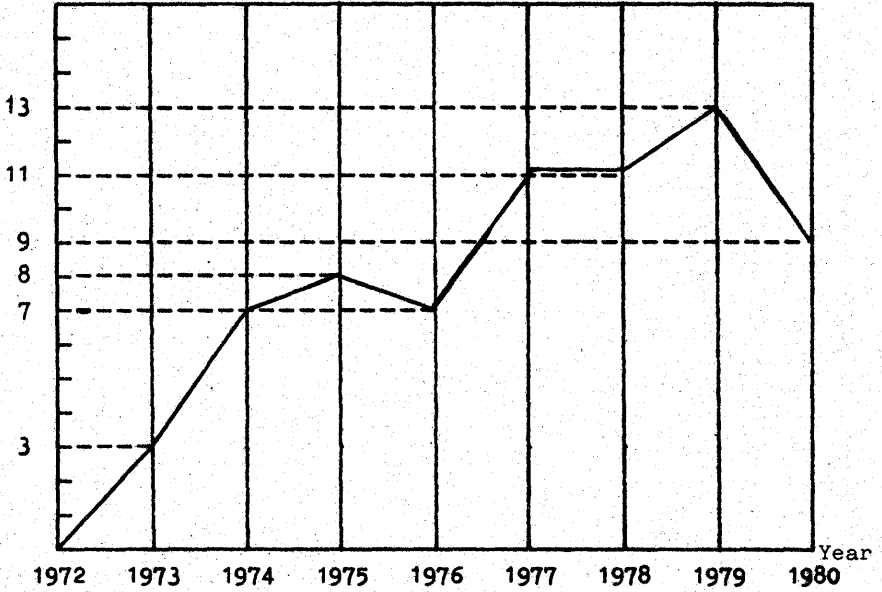
(1972 - 1980)

Institutional Machinery, general issues	5
Enlargement	2
External relations	10
Economic and financial questions	7
Social questions	9
Regional policy	10
Consumer affairs	2
Agriculture	6
Fisheries	2
Transport and Communications	6
Trade and Industry	8
Energy	2

A P P E N D I X I I

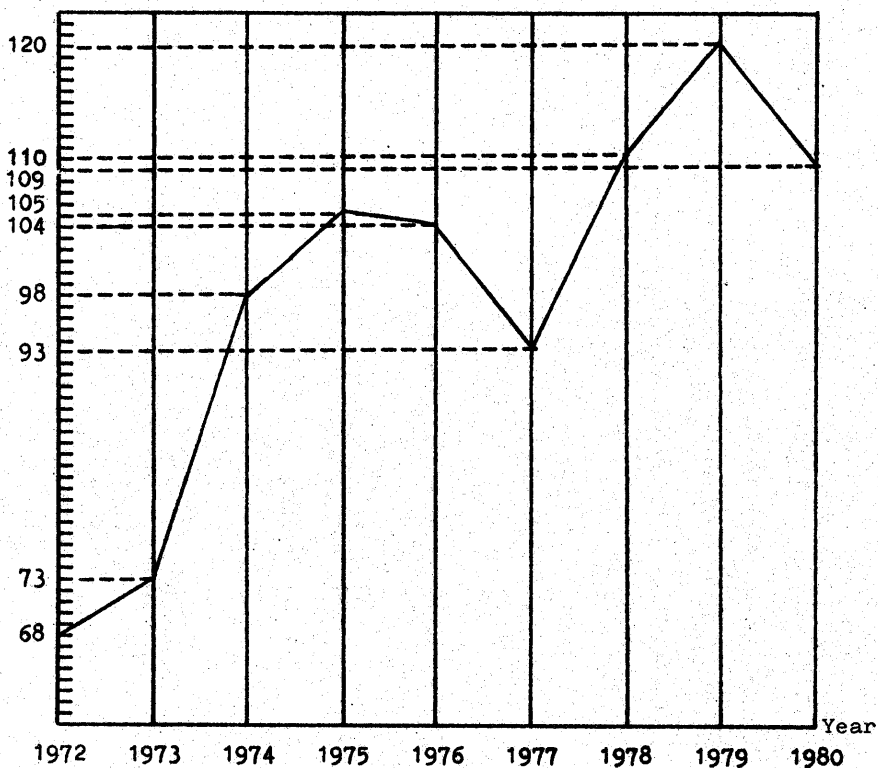
NUMBER OF ESC OWN-INITIATIVE OPINIONS ISSUED PER YEAR
FROM 1972 TO 1980

Number -
of texts



Other statements of the ESC's views (Opinions, Additional Opinions, Studies and Information Reports) issued from 1972 to 1980.

Number
of texts



A P P E N D I X III

A. LIST OF STUDIES DRAWN UP BY THE ESC SINCE 1972

INTRODUCTION

Very often, the Economic and Social Committee's own-initiative Opinions are preceded by Studies, in accordance with Article 20, second paragraph, of the Rules of Procedure. These try and explore a de facto situation and specific problems.

Since 1972, the following Studies have been drawn up:

- Study on Monetary Problems, Plenary Session held on 24 February 1972; Study : CES 174/72; Record of Proceedings : CES 169/72.
- First Commission Communication on the Community's Policy regarding the Environment, Plenary Session held on 26 April 1972; Study : CES 289/72; Record of Proceedings : CES 294/72.
- Outline Plan concerning Problems connected with the Harmonization of Laws relating to Technical Barriers, Plenary Session held on 28 and 29 June 1972; Study : CES 469/72 + App.; Record of Proceedings : CES 482/72.
- The Situation of Agriculture in the EEC, Report 1972 - Farm Incomes in the Enlarged Community, Plenary Session held on 28 and 29 March 1973; Study : CES 282/73; Record of Proceedings : CES 292/73.
- Second Indicative Nuclear Programme for the Community, Plenary Session held on 26 and 27 June 1973; Opinion : CES 532/73; Record of Proceedings : CES 543/73.
- Implementation of a Community Regional Policy, Plenary Session held on 24 and 25 October 1973; Study : CES 802/73; Record of Proceedings : CES 812/73.
- Communication from the Commission to the Council on a Programme for Industrial and Technological Policy - Industrial and Technological Policy Action programme, Plenary Session held on 28 and 29 November 1973; Opinion : CES 881/73; Record of Proceedings : CES 889/73.

- Study on Vocational Training, Plenary Session held on 12 and 13 December 1973; Opinion : CES 926/73; Record of Proceedings : CES 993/73.
- Commission Report of the Council on Possible Trends in Planting and Replanting Vines in the Community and on the Relationship between Production and Users in the Wine Sector, Plenary Session held on 27 and 28 February 1974; Study : CES 221/74; Record of Proceedings : CES 231/74.
- Study on the Objective and Content of a Common Energy Policy, Plenary Session held on 29 and 30 May 1974; Study : CES 572/74; Record of Proceedings : CES 595/74.
- Survey on the Situation of Smaller Businesses in the EEC, Plenary Session held on 26 and 27 June 1974; Study : CES 714/71; Record of Proceedings : CES 731/74.
- Agricultural Aspects of the Community's Mediterranean Policy, Plenary Session held on 26 and 27 June 1974; Study : CES 715/74; Record of Proceedings : CES 732/74.
- Progress Report on the Common Agricultural Policy, Plenary Session held on 28 November 1974; Study : CES 1091/74; Record of Proceedings : CES 1106/74.
- Study on Relations between the Community and the Countries of the Mediterranean Basin; Plenary Session held on 29 and 30 January 1975; Opinion : CES 91/75; Record of Proceedings : CES 106/75.
- Preliminary Report concerning the Problems of Pollution and the Nuisances associated with Energy Production, Plenary Session held on 26 and 27 February 1975; Study : CES 238/75; Record of Proceedings : CES 253/75.
- Study on the Prevention of Accidents at Work and Relevant Legislation, Plenary Session held on 26 and 27 February 1975; Study : CES 239/75; Record of Proceedings : CES 254/75.
- Study on Telecommunications, and in particular the Use of Telecommunications Facilities, Plenary Session held on 25 and 26 June 1975; Study : CES 731/75; Record of Proceedings : CES 743/75.
- Current Prospects for Mediterranean Agricultural Products, Plenary Session held on 26 and 27 November 1975; Study : CES 1223/75; Record of Proceedings : CES 1243/75.
- Regional Development in the Community 1975-1977 and the Framing of a Community Regional Policy, Plenary Session held on 25 and 26 February 1976; Study : CES 217/76 + App.; Record of Proceedings : CES 230/76.

- Communication from the Commission to the Council concerning a European Export Bank, Plenary Session held on 25 and 26 May 1976; Opinion : CES 587/76 + App.; Record of Proceedings : CES 605/76.
- Community Research and Development Policy, Plenary Session held on 25 and 26 May 1976; Study : CES 589/76; Record of Proceedings : CES 608/76.
- First Annual Report of the European Regional Development Fund (1975), Plenary Session held on 24 and 25 November 1976; Opinion : CES 1202/76; Record of Proceedings : CES 1219/76.
- Community Nuclear Safety Code, Plenary Session held on 27 and 28 April 1977; Study : CES 484/77; Record of Proceedings : CES 491/77.
- The Community's Relations with Portugal, Plenary Session held on 27 and 28 April 1977; Study : CES 485/77 + App.; Record of Proceedings : CES 492/77.
- Community policy concerning Relations between the Industrialized and the Developing Countries, Plenary Session held on 25 and 26 May; Study : CES 565/77 + App.; Record of Proceedings : CES 570/77.
- Situation of and Prospects for Employment in the Agricultural Sector, Plenary Session held on 25 and 26 May 1977; Study : CES 566/77; Record of Proceedings : CES 571/77.
- Community Policy in the Mediterranean Basin, Plenary Session held on 26 and 27 October 1977; Study : CES 1041/77 + App.; Record of Proceedings : CES 1058/77.
- Study on Greece, Plenary Session held on 20 and 21 June 1978; Study : CES 774/78; Record of Proceedings : CES 790/78.
- Relations with Spain, Plenary Session held on 12 and 13 July 1978; Initial Study : CES 844/78; Record of Proceedings : CES 858/78.
- Relations between the European Community and the State-trading Countries, Plenary Session held on 12 and 13 July 1978; Study : CES 845/78 + App.
- Use of Judicial and Quasi-Judicial Means of Consumer Protection in the Community and their Harmonization, Plenary Session held on 24 January 1979; Study : CES 93/79.

- Health and Environmental Hazards arising from the Use of Asbestos, Plenary Session held on 21 and 22 February 1979; Study : CES 230/79; Record of Proceedings : CES 240/79.
- Further work on Relations between the Community and Spain, Plenary Session held on 22 and 23 May 1979; Study : CES 611/79.
- Study on Yugoslavia, Plenary Session held on 12 and 13 December 1979; Study : CES 1473/79; Record of Proceedings : CES 1490/79.
- Organization and Management of Community Research and Development, Plenary Session held on 30 and 31 January 1980; Study : CES 91/80; Record of Proceedings : CES 103/80.
- Integrated Operation in the Lorraine Region, Plenary Session held on 29 and 30 April 1980; Study : CES 440/80; Record of Proceedings : CES 477/80.
- Recombinant DNA (Genetic Engineering), Plenary Session held on 10 and 11 December 1980.

A P P E N D I X III

B. ESC STUDIES BY SUBJECT : 1972 - 1980

Enlargement

- Community's Relations with Portugal (April 1977);
- Study on Greece (June 1978);
- Relations with Spain (July 1978);
- Further work on Relations between the Community and Spain (May 1979).

External Relations

- Relations between the Community and the Countries of the Mediterranean Basin (January 1975);
- Community Policy concerning Relations between the Industrialized and Developing Countries (May 1977);
- Community Policy in the Mediterranean Basin (October 1977);
- Relations between the Community and the State-trading Countries (July 1978);
- Study on Yugoslavia (December 1979).

Economic and Financial Questions

- Study on Monetary Issues (February 1972);
- Outline Plan concerning the Issues Involved in Harmonizing Legislation relating to Technical Barriers (June 1972);
- Commission Communication to the Council concerning a European Export Bank (May 1976).

Social Questions

- Study on Vocational Training (December 1973);
- Study on the Prevention of Accidents at Work and Relevant Legislation (February 1975);

Regional Policy

- Implementation of a Community Regional Policy (October 1973);
- Regional Development in the Community 1975-1977 and the Framing of a Community Regional Policy (February 1976);
- First ERDF Annual Report (1975) (November 1976);
- Integrated Operation in the Lorraine Region (April 1980).

Consumer Affairs and the Environment

- First Commission Communication on the Community's Policy regarding the Environment (April 1972);
- Preliminary Report concerning the Problems of Pollution and the Nuisances associated with Energy Production (February 1975);
- Use of Judicial and Quasi-Judicial Means of Consumer Protection in the Community and their Harmonization (January 1979);
- Health and Environmental Risks arising from the Use of Asbestos (February 1979);
- Recombinant DNA (Genetic Engineering) (December 1980).

Agriculture

- The Situation of Agriculture in the EEC (March 1973);
- Commission Report to the Council on Possible Trends in Planting and Replanting Vines in the Community (February 1974);
- Agricultural Aspects of the Community's Mediterranean Policy (June 1974);
- Progress Report on the Common Agricultural Policy (November 1974);
- Current Prospects for Mediterranean Agricultural Products in the Community (November 1975);
- Employment Situation and Prospects in the Agricultural Sector (May 1977).

Transport and Communications

- Study on Telecommunications, and in particular the Use of Telecommunications Facilities (June 1975).

Trade and Industry

- Communication from the Commission to the Council on a Programme for Industrial and Technological Policy (November 1973);
- Survey on the Situation of Smaller Businesses (June 1974);
- Community Research and Development Policy (May 1976).

Energy and Nuclear Questions

- Second Indicative Nuclear Programme for the Community (June 1973);
- Study on the Objectives and Content of a Common Energy Policy (May 1974);
- Community Nuclear Safety Code (April 1977);
- Organization and Management of Community Research and Development (January 1980).

NUMBER OF STUDIES BY SUBJECT SINCE 1972

Enlargement	4
External Relations	5
Economic and Financial Questions	3
Social Questions	2
Regional Policy	4
Consumer Affairs and the Environment	5
Agriculture	6
Transport and Communications	1
Trade and Industry	3
Energy and Nuclear Questions	4

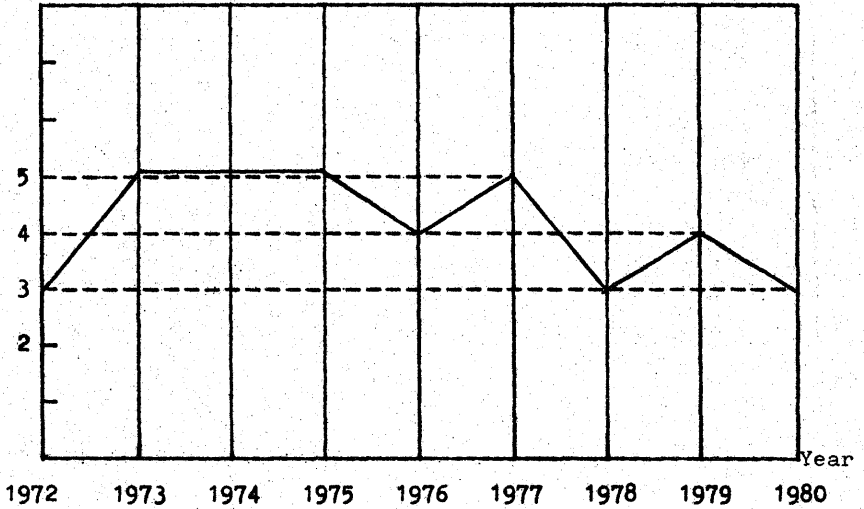
A P P E N D I X IV

NUMBER OF ESC STUDIES

DRAWN UP PER YEAR

FROM 1972 TO 1980

Number
of texts



A P P E N D I X V

ESC MEMBERS INVITED TO ADDRESS
EUROPEAN PARLIAMENT COMMITTEES

DATE	ESC MEMBER	PARLIAMENT COMMITTEE	SUBJECT
18.04.75	F. BOUREL	Agriculture	Statement on the Stock-taking of the Common Agricultural Policy.
29.09.75	C. EVAIN	Development and Cooperation	Statement on the 1976 Generalized Scheme of Preferences.
19.05.76	A. LAVAL	Social Affairs, Employment and Education (in preparation for the next Tripartite Conference)	Progress of ESC work on Employment, in the light of the ESC Opinion on the Coordination of National Employment Policy Instruments.
22.06.76	T.J. MAHER	Regional Policy, Regional Planning and Transport	Outline of the ESC Opinion on Regional Policy.
20.10.76	K.H. HOFFMANN and J. ROUZIER	Social Affairs, Employment and Education	Contribution to the Parliamentary Committee's work on the harmonization of certain social provisions in road transport.

DATE	ESC MEMBER	PARLIAMENT COMMITTEE	SUBJECT
24.11.76	C. EVAIN	Development and Cooperation	Talks based on the ESC Opinion of November 1975 on the Involvement of Socio-economic Interest Groups in the Implementation of the Lomé Convention.
20.01.77	M.DE GRAVE	Environment, Public Health and Consumer Protection	Exchange of views on the Proposal for a Council Directive on the Approximation of the Laws of Member States on Articles of Precious Metals.
14.02.77	M.DE GRAVE	Environment, Public Health and Consumer Protection	Invitation to attend a hearing organized by the Parliamentary Committee and the Consumers' Consultative Committee on the Proposal for a Directive relating to the Approximation of the Laws, Regulations and Administrative Provisions of the Member States concerning Liability for Defective Products
23.03.77	G.de CAFFARELLI		Attendance at European Parliament discussions on farm prices.
24.05.77	M. BERNIS	Agriculture	The Common Agricultural Policy in the international context.

DATE	ESC MEMBER	PARLIAMENT COMMITTEE	SUBJECT
9.06.77	18 ESC Members		Participation, at the request of the joint Committee of the ACP/EEC Consultative Assembly, in the first exchange of views with representatives of the economic and social interest groups in the ACP States.
July 77	J. HOUTHUYS	Social Affairs, Employment and Education	Meeting with Mr van der GUN, Committee Chairman.
20.10.77	M. BOUREL	Agriculture	Progress of ESC work on the Amended Proposal of the Commission to the Council concerning a Regulation for the Common Organization of markets in Ethyl Alcohol of Agricultural Origin, and Additional Measures for certain products containing Ethyl Alcohol.
November- December '77	A. SOULAT	Joint Committee of the EEC-ACP Consultative Assembly at Maseru	Participation of the Rapporteur for the ESC Opinion on the Implementation of the Lomé Convention - Towards a New Convention, in the Committee meeting

DATE	ESC MEMBER	PARLIAMENT COMMITTEE	SUBJECT
6.2.78	ESC	Legal Affairs	Invitation to a hearing organized by the Committee's sub-Committee on Data Processing and Individual Rights
16.5.78	9 ESC Members	EEC-Greece	Participation at the Committee's request, in an exchange of views with Greek economic and social interest groups
12.6.78	J. ROUZIER	Budgets	Statement on the ESC Opinion on Community Loans
20.6.78	J. ROUZIER	Regional Policy and Transport	Invitation to a hearing organized by the Committee on points arising from the Amoco Cadiz affair
26.9.78	P.VAN RENS	Social Affairs, Employment and Education	Attendance at the Committee meeting of the Rapporteur for the ESC Opinion on Part-time work
28.9.78	ESC Delegation	Joint Committee of the EEC-ACP Consultative Assembly	Participation, at the request of the Joint Committee, in a second exchange of views with representatives of ACP socio-economic interest groups

DATE	ESC MEMBER	PARLIAMENT COMMITTEE	SUBJECT
23.11.78	9 ESC Members	EEC-Greece	Participation in an exchange of views of representatives of the professions and trade
30.11.78	F.GUILLAUME (Rapporteur)	Agriculture	Meeting with Mr PISANI, Committee Rapporteur, to inform him of the ESC Opinion on wine, adopted on the same day
1.2.79	J.VAN CAMPEN (Chairman - Industry Section) Y. CHABROL (Chairman - Technical Barriers Study Group)	Economic and Monetary Affairs	Meeting with Mr PISANI; Committee Chairman
3.4.79	J. BORNARD (Vice-Chairman - Energy Section)	Energy (Rome)	Exchange of views on R & D procedures
9.5.79	G. HILKENS (Rapporteur)	Environment	Meeting between Mrs KROUWEL-VLAM, Committee Chairman, and ESC Rapporteur on harmonization of Judicial and quasi-judicial means of Consumer Protection
2.6.79			3rd meeting between EEC and ACP economic and social interest groups in Geneva, in conjunction with the ILO General Conference

DATE	ESC MEMBER	PARLIAMENT COMMITTEE	SUBJECT
18/19.2.80	M. ZINKIN	Development and Cooperation	Participation of Mr ZINKIN in the hearing organized by the Committee on Development and Cooperation on the world hunger problem
26/27.2.80	G. HILKENS	Environment, Public Health, and Consumer Protection	Participation of Mr HILKENS, Rapporteur, in the hearing organized in Dublin on the Community Consumer action programme
29.2.80	W. HENNIG H. ZUNCKLER	Transport	Participation, with observer status, of Mr HENNIG and Mr ZUNCKLER, in hearings organized by the Committee on Transport on the development of air transport services
23.4.80	J.VAN CAMPEN C. EVAIN M.J.G. WYLIE	Economic and Monetary Affairs	Participation in the Working Group on Technical Barriers of the Economic and Monetary Affairs Committee
29.5.80	A. MARGOT	Development and Cooperation	Presentation by Mr MARGOT of the working document on small and medium-sized enterprises, drawn up by the ESC in connection with the forthcoming meeting between EEC and ACP economic and social interest groups

DATE	ESC MEMBER	PARLIAMENT COMMITTEE	SUBJECT
31.5.80			4th meeting of EEC and ACP economic and social interest groups in conjunction with the ILO General Conference
4.6.80	C. EVAIN	Development and Cooperation	Meeting with Mr PEARCE, on the ESC Opinion on Renewal of the Generalized Preferences Scheme of the European Community for 1981/90
18.6.80	R. BONETY	Transport	Hearing of Mr BOENTY on the Opinion on the Weight and certain other characteristics of Road Vehicles for the carriage of Goods
23.6.80	Mrs K. STROBEL L. BERNAERT U. SCALIA	Ad hoc Group on Women's Rights	Participation in meeting of the ad hoc Group on Women's Rights
30.10.80	J. BORNARD	Energy	Hearing on the R & D Study
25.11.80	Ph.M. VAN CAMPEN G. QUERINI	Economic and Monetary Affairs	Hearing on industrial cooperation in the Community
23.4.81			1st joint meeting of ESC Transport Section and EP Transport Committee

A P P E N D I X VI

ESC CHAIRMAN AND VICE-CHAIRMAN SINCE 1958

<u>1958-1960</u>	<u>CHAIRMAN</u>		
	Mr de STAERCKE	Belgium	Group I
	<u>VICE-CHAIRMEN</u>		
	Mr CANTONI	Italy	Group III
	Mr ROSENBERG	Germany	Group II
<u>1960-1962</u>	<u>CHAIRMAN</u>		
	Mr ROSENBERG	Germany	Group II
	<u>VICE-CHAIRMEN</u>		
	Mr de STAERCKE	Belgium	Group I
	Mr CANTONI	Italy	Group III
<u>1962-1964</u>	<u>CHAIRMAN</u>		
	Mr ROCHE	France	Group III
	<u>VICE-CHAIRMEN</u>		
	Mr JONKER	Netherlands	Group I
	Mr ROSENBERG	Germany	Group II
<u>1964-1966</u>	<u>CHAIRMAN</u>		
	Mr GIUSTINIANI	Italy	Group I
	<u>VICE-CHAIRMEN</u>		
	Mr COOL	Belgium	Group II
	Mr GENIN	France	Group III

1966-1968

CHAIRMAN

Mr MAJOR Belgium Group II

VICE-CHAIRMEN

Mr KRAMER Germany Group I

Mr GERMOZZI Italy Group III

1968-1970

CHAIRMAN

Mr BERNS Luxembourg Group III

VICE-CHAIRMEN

Mr de PRECIGOUT France Group I

Mr BRENNER Germany Group II

1970-1972

CHAIRMAN

Mr KUIPERS Netherlands Group I

VICE-CHAIRMEN

Mr ASCHOFF Germany Group III

Mr BOULADOUX France Group II

1972-1974

CHAIRMAN

Mr LAPPAS Germany Group II

VICE-CHAIRMEN

Mr CANONGE France Group III

Mr MASPRONE Italy Group I

1974-1976

CHAIRMAN

Mr CANONGE France Group III

VICE-CHAIRMEN

Mr AMEYE Belgium Group I

Mr CARROLL Ireland Group II
(23.5.1975)

Mr van GREUNSVEN Netherlands Group II
(25.6.1975)

1976-1978

CHAIRMAN

Mr de FERRANTI UK Group I

VICE-CHAIRMEN

Mr BERNS Luxembourg Group III

Mr van GREUNSVEN Netherlands Group II

1978-1979

CHAIRMAN

resigned
on 8.5.79

Mrs BADUEL
GLORIOSO Italy Group II

VICE-CHAIRMEN

Mr RENAUD France Group I

Mr ROSEINGRAVE Ireland Group III

1979-1980

CHAIRMAN

Mr VANNI Italy Group II

VICE-CHAIRMEN

Mr RENAUD France Group I

Mr ROSEINGRAVE Ireland Group III

1980-1982

CHAIRMAN

Mr T.ROSEINGRAVE Ireland Group III

VICE-CHAIRMEN

Mr A.LAVAL France Group II

Mr W.G.N. MILLER UK Group I

A P P E N D I X VII

FORMER ESC MEMBERS ELECTED TO THE
EUROPEAN PARLIAMENT IN JUNE 1979

	ESC Group	Member State	Political Group in Parliament	National Party List
Mrs BADUEL GLORIOSO	Workers	Italy	Communist	PCI
Mr BONACCINI	Workers	Italy	Communist	PCI
Mr DIDO	Workers	Italy	Socialist	PSI
Mr de FERRANTI	Employers	UK	European Democrats	Conservative Party
Mr HOFFMANN	Workers	Germany	European People's Party	CDU
Mr JONKER	Employers	Netherlands	European People's Party	CDA

A P P E N D I X VIII

LIST OF MEMBERS OF THE ESC FOR THE
FIRST TERM OF OFFICE (1958-1962)

GERMANY

Group I

Fritz DIETZ	Chairman of the "Gesamtverband des Deutschen Gross- und Aussenhandels" (National Association for Whole- sale and Foreign Trade)
Ernst FALKENHEIM	Member of the Board of the German Confederation of Indus- try
Dr. Wilhelm GEILE	Chairman of the "Zentralaus- schuss der Deutschen Binnen- schiffahrt" (Central Committee for German Inland Waterway Shipping)
Count Richard MATUSCHKA GREIFFENCLAU	Chairman of the "Deutscher Weinbauverband" (Federation of German Wine- growers)
Dr. jur. Hans-Constantin PAULSEN	Chairman of the "Bundesvereini- gung der Deutschen Arbeit- geberverbände" (BDA) (German Employers Federation)
Dr. Wolfgang POHLE	Chairman of the Legal Committee of the Bundesverband der Deutschen Industrie (B.D.I.) (German Confederation of Industry)

Group II

Herman BEERMANN	Member of the "Bundsvorstand des Deutschen Gewerkschaftsbundes" (D.G.B.) (Federal Board of the Confederation of German Trade Unions)
Otto BRENNER	Chairman of "Industriegewerkschaft Metall" (I.G. -Metall) (German Metal-Workers Trade Union)
Wilhelm GEFELLER	Chairman of the "Industriegewerkschaft Chemie, Papier, Keramik" (Trade Union for the Chemical, Paper and Ceramics Industry)
Heinrich GUTERMUTH	Chairman of the "Industriegewerkschaft Bergbau" (Miners Trade Union)
Ludwig ROSENBERG	Member of the "Bundsvorstand des Deutschen Gewerkschaftsbundes (D.G.B.)" (Federal Board of the Confederation of German Trade Unions)
Hermann Josef RUSSE	Director of Education of the "Sozialausschüsse der Christlich-Demokratischen Arbeitnehmerschaft" (Social Committees for Christian Democratic Workers)
Rolf SPAETHEN	Member of the Board of the "Deutsche Angestellten-Gewerkschaft" (D.A.G.) (German Salaried Employees Trade Union)
Mrs Maria WEBER	Member of the "Bundsvorstand des Deutschen Gewerkschaftsbundes" (D.B.G.) (Federal Board of the German Confederation of Trade Unions)

Group III

Fritz BUTSCHKAU	Chairman of the Board of "Deutscher Sparkassen- und Giroverband e.V. "Bonn (Association of German Savings Banks)
Otto CLAUSEN	Administration of the "Bauern- verband Schleswig-Holstein" (Schleswig Holstein Farmers Association)
Dr.Med. Paul ECKEL	Chairman of the Atomic Commis- sion of the "Deutsche Arzte- schaft" (German Doctors Federation)
Dr.Irmgard LANDGREBE-WOLFF	Housewife and Consumer Affairs Expert
Prof.Dr.Franz PATAT	Director of the Applied Chemistry Institute of Munich Technical University
Edmund REHWINKEL	Chairman of the "Deutscher Bauernverband" (German Farmers Association)
Dr.Phil.Hermann SCHAEFER	Former Federal Government Minister
Franz UMSTAETTER	Vice-President of the Inter- national Union of Family Organizations
Walter WETZLER	Former Senior Civil Servant
Joseph WILD	Chairman of the "Zentralverband des Deutschen Handwerks" (Central Federation of German Crafts Industries)

BELGIUM

Group I

Maurice MASOIN

Chairman of the "Groupement
Professionnel de l'Industrie
Nucléaire"
(Professional Associate of the
Nuclear Industry)

Roger Marin DE STAERCKE

General Manager of the "Fédéra-
tion des Industries Belges"
(Federation of Belgium Indus-
tries)

Georges Maria VELTER

Director-General of the "Fédé-
ration des Entreprises de
l'Industrie des Fabrications
Métalliques"
(Federation of Metal-Working
Industries)

Group II

Auguste COOL

Chairman of the "Confédération
des Syndicats Chrétiens"
(Confederation of Christian
Trade Unions)

Hilaire VAN HOORICK

Chairman of the "Centrale
Chrétienne des Travailleurs
des Industries de l'Energie, de
la Chimie, du Cuir et Divers"
(Christian Association of Workers
in the Energy, Chemical, Leather
and Miscellaneous Industries)

Louis MAJOR

Secretary-General of the "Fédé-
ration Générale des Travailleurs
de Belgique"
(Belgium Confederation of Labour)

André Gilles RENARD

Deputy Secretary-General of the
"Fédération Générale du Travail
de Belgique"
(Belgium Confederation of Labour)

Group III

Constant BOON

Secretariat of the Technical
Adviser to the "Boerenbond"
(Belgium Farmers Association)

Emile CORNEZ

General President of the
"Conseil Economique Wallon"
(Walloon Economic Council)

André Jérôme DEVREKER

Professor

Fritz MEYVAERT

Chairman of the Inter-Profession-
nal Section of the "Union
Nationale des Classes Moyennes"
(National Union for the Middle
Classes)

Willy SERWY

Secretary of the Association of
"Communauté des Organisations
Nationales des Coopératives de
Consommation du Marché Commun "
(National Consumer Cooperatives
of the Common Market)

FRANCE

Group I

Pierre BROUSSE	Managing-Director of the 'Communauté de Navigation Française Rhénane " (Association of French Rhine Shipping)
Pierre Charles DUMONT	Former Chairman of the Paris Chamber of Commerce
Jean Marcel FONTANILLE	Member of the Management Commit- tee of the "Conseil National du Patronat Français (CNPF) " (French Employers Association)
Marcel Joseph Ernest MEUNIER	Member of the "Conseil du Patronat Français (CNPF) " (French Employers Association)
François PEUGEOT	Chairman of the "Fédération National des Industries Mécaniques " (National Federation of the Engineering Industries)
Jean de PRECIGOUT	Vice-Chairman of the "Union des Industries Textiles " (Textile Industries Association)

Group II

André BAUDET	'Confédération Française des Travailleurs Chrétiens Syndica- listes Agricoles " (French Confederation of Chris- tian workers, Agricultural Trade Unionists)
Maurice BOULADOUX	Chairman of the CFTC
Theo BRAUN	Vice-Chairman of the CFTC

René PEETERS	Member of the "Force Ouvrière Trade Union
Jules Alphonse RAZAFIMBAHINY	"Confédération Française des Travailleurs Chrétiens Madagascar (CFTC)" (French Confederation of Chris- tian workers Madagascar)
Charles VEILLON	Member of "Force Ouvrière" Trade Union
<u>Group III</u>	
Maurice AICARDI	Secretary-General of the "Commissariat au Plan" (Institute Economic Planning)
Tanoh Lambert AMON	Member of the Executive Com- mittee of the "Union Generale des Travailleurs de l'Afrique Noire (V.G.T.A.N.)" (General Union of Workers of Black Africa)
Maurice BOULLAND	"Confédération Nationale Artisanale" (National Crafts Confederation)
Georges Jean BREART	Director of the "Service Profession Agricole Internatio- nal de l'Assemblée Permanente des Présidents des Chambres d'Agriculture (International Agricultural Service of the Permanent Assem- bly of Chairmen of Chambers of Agriculture)
Henri CANONGE	General Manager of the "Confédé- ration Nationale de la Mutua- lité de la Coopération et du Crédit Agricole" (National Confederation for Mutual Aid Cooperation and Agricultural Credit)

Albert GENIN	Secretary-General of the "Fédération Nationale des Syn- dicats d'Exploitants Agricoles (FNSEA)" (National Federation of Farmers Unions)
Pierre HALLE	Managing Director of the "Comité de Coordination des Assemblées Spécialisées de la Fédération Nationale des Syndicats Agricoles (FNSEA)" (Coordinating Committee for Specialized Assemblies of the National Federation of Farmers Unions)
Antoine LETEMBET-AMBILLY	Trade Unionist from the French Overseas Territories (French Equitorial Africa)
André MALTERRE	Chairman of the "Confédération Générale des Cadres (C.G.C.)" (General Confederation of Executive Staff)
Youssef OULID AISSA	Department of Agriculture, General Government, Algiers
Emile ROCHE	Chairman of the French Economic and Social Council
Nabi YOULA	Farmer (French West Africa)

ITALY

Group I

Corrado BERTAGNOLIO

Secretary-General of the
"Confederazione Generale del
Commercio"
(General Confederation for the
Distributive Trade)

Vittorio DE BIASI

Chairman of the "Associazione
Nazionale Industriali Distri-
butori Energia Ellectrica"
(National Association of Indus-
trial Electricity Distributors)

Angelo COSTA

Chairman of the Standing Commit-
tee for Economic Matters of
CONFINDUSTRIA
(Italian Confederation of
Industry)

Torello GIUNTI

Transport Expert

Piero GIUSTINIANI

Managing-Director of "Monte-
catini"

Quinto QUINTIERI

Vice-Chairman of CONFINDUSTRIA

Group II

Giovanni CANINI

Federal Secretary of the
"Confederazione Italiana Sinda-
cati Lavoratori CISL"
(Italian Confederation of Trade
Unions)

Enzo DALLA CHIESA

National Secretary of the
"Unione Italiana Lavoratori
(UIL)"
(Association of Italian
workers)

Enrico PARRI

Federal Secretary of the CISL

Aride ROSSI

Secretary-General of the
"Unione Italiana Lavoratori
Terra"
(Italian Agricultural workers
Union)

LUXEMBOURG

Group I

Paul WEBER

Director of the Chamber of
Commerce

Group II

Albert BOUSSER

Chairman of the "Fédération
Nationale des Cheminots et
Travailleurs du Transport
Luxembourgeois"
(National Federation of Luxem-
bourg Railway and Transport
Workers)

Léon WAGNER

Chairman of the "Confédération
Luxembourgeoise des Syndicats
Chrétiens"
(Luxembourg Confederation of
Christian Trade Unions)

Group III

Mathias BERNS

Secretary-General of the
"Centrale Paysanne"
(Association of Luxembourg
Farmers)

Raymond ROLLINGER

Secretary-General of the
"Fédération des Artisans"
(Federation of Craft Workers)

NETHERLANDS

Group I

- Dr. Bouwe BOLGER Chairman of the "Verbond van de Nederlandse Groothandel" (Association for Wholesale Trade)
- Dr. Willem JONKER Member of the Board of the "Centraal Bureau van de Rijnen Binnenvaart" (Central Bureau for Rhine and Inland Waterway Shipping)
- Wilhelmus Hendrik VAN LEEUWEN Chairman of the "Nijverheidsraad" (Council for Industry)
- Dr. B. J. M. VAN SPAENDONCK Secretary of the "Katholiek Verbond van Werkgeversverenigingen" (Catholic Association of Employers Associations)
- Prof. Dr. Gerard Marius VERRIJN STUART Professor of Political Economy

Group II

- Jacobus Anthonius Gerardus ALDERS Secretary of the "Katholieke Arbeidersbeweging" (Catholic Workers Union)
- Pieter Clemens Wilhelmus Maria BOGAERS Director of the Scientific Bureau of the "Katholieke Arbeidersbeweging" (Catholic Workers Union)
- Andries Hein KLOOS Secretary of the "Nederlands Verbond van Vakverenigingen" (Netherlands Trade Union Federation)
- Derk ROEMERS Vice-Chairman of the "Nederlands Verbond van Vakverenigingen" (Netherlands Trade Union Federation)

Pieter TJEERDSMA

Secretary of the "Christelijk
Nationaal Vakverbond (CNV)"
(National Christian Trade Union)

Group III

Barend Willem BIESHEUVEL

Secretary of the "Nederlandse
Chr. Boeren- en Tuindersbond"
(Christian Farmers and Horti-
culturalists Union)

Prof. Dr. Jan TINBERGEN

Professor of Econometrics

These members (101 in all) were divided as follows
between the various groups

- 28 in Group I
- 31 in Group II
- 42 in Group III

Bruno STORTI	Deputy Secretary-General of the CISL
Sergio TODISCO	Physicist at S.O.R.I.N. (Nuclear Research Institute)
Ugo ZINO	Vice-President of the Istituto Nazionale Assistenza Sociale (National Institute for Social Welfare) of the CISL

Group III

Luigi ANCHISI	Secretary-General of the Confederazione Nazionale Coltivatori Diretti (National Confederation of Self-Employed Farmers)
Guido Maria BALDI	Lawyer
Corrado BONATO	Professor of Agronomics
Giuseppe CANTONI	Vice-Chairman of CONFAGRICOL- TURA (General Confederation of Italian Agriculture)
Mario DE CESARE	Member of the Council of State
Epicarmo CORBINO	Economics Professor
Domenico GENOESE-ZERBI	Chairman of the "Unione Provin- ciale Agricoltori-Reggio Cala- bria" (Association of Farmers in Reggio Calabria)
Manilo GERMOZZI	Secretary-General of the "Confederazione Generale Italiana dell'Artigianeto" (Italian Crafts Confederation)
Antonio GRANDI	Chairman of the "Cassa Ris- parmio Reggio Emilia" (Reggio Emilia Savings Bank)
Rosario PURPURA	Expert on Cooperatives
Gian Carlo ZOLI	Local Authority Representative

A P P E N D I X IX

LIST OF MEMBERS OF THE ESC

-For the current term of office (1978-1982)-

GERMANY

Group I

Reinhard BLASIG	Member of the Board of the Bundesanstalt für Arbeit (German Federal Labour Office)
Dr. Paul BROICHER	Honorary Secretary-General of the Deutscher Industrie-und Handelstag (German Federation of Chambers of Commerce and Industry)
Helmuth CAMMANN	Secretary-General of the Bundes- verband deutscher Banken (Federal Association of German Banks)
Rudolf SCHNIEDERS	Secretary-General of the Deutscher Bauernverband (National Federation of Farmers' Unions)
Fritz SEYDAACK	Former Managing Board Spokesman and now Member of the Supervisory Board of Horten AG, Düsseldorf
Hans-Werner STARATZKE	Member of the Board of the Gesamtverband der Textilindustrie in der Bundesrepublik Deutschland (General Association of the Ger- man Textile Industry)

Hans-Jürgen WICK

Secretary-General of the Deutscher
Raiffeisenverband (German
Raiffeisen Association)

Heinz ZUNKLER

Managing Director of Reederei und
Spedition "Braunkohle" GmbH
(Shipping and Haulage Company)

Group II

Dietmar CREMER

Head of Section in the Economic
Policy Department of the Federal
Board of the DGB (German Trade
Union Confederation)

Mrs Ursula ENGELN-KEFER

Adviser in the Social Policy
Department of the DGB (German
Trade Union Confederation)

Karl-Heinz FRIEDRICHS

Head of the Economic Affairs
Division of the Executive Board
of IG-Metall (Metalworkers Trade
Union)

Gerd MUHR

Deputy Chairman of the DGB
(German Trade Union Confederation)

Herbert NIERHAUS

Member of the National Executive
of the DAG (German Employees
Trade Union)

Alois PFEIFFER

Member of the Federal Governing
Board of the DGB (German Trade
Union Confederation)

Heribert SCHARRENBROICH	Secretary-General of the Social Committees of Christian Democrat Workers
Mrs Maria WEBER	Deputy Chairman of the DGB (German Trade Union Confederation)
<u>Group III</u>	
Klaus Benedict von der DECKEN	Director of the Institut für Reaktorbauelemente der Kernfor- schungsanlage Jülich GmbH (Institute for Reactor Components at the Jülich Nuclear Research Establishment)
Hermann FREDERSDORF	Federal Deputy Chairman of the DBB (German Civil Servants Trade Union)
Werner HENNIG	Former Head of Division in the Central Administration of the German State Railways
Mrs Hedda HEUSER	Medical Journalist; Member of the Board of the Deutscher Arztetag (German Doctors' Congress)
Johannes M. JASCHICK	Secretary-General and Member of the Board of the AGV (German Consumers' Association)
Heinrich KOLBENSCHLAG	Former Secretary-General; Former Executive Member of the Board of the Zentralverband des Deutschen Handwerks (German Crafts Asso- ciation)

Lothar NEUMANN

Vice-President of the AGV
(German Consumers' Association)

Mrs Käte STROBEL

Member of the AGV (German
Consumers' Association)

BELGIUM

Group I

Léon BERNAERT

Chairman of the Social Affairs
Committee of the FEB/VBO
(Federation of Belgian Industry)

Clément DE BIEVRE

Former Vice-President of the
Central Economic Council

Paul HATRY

Managing Director of the Belgian
Oil Federation, Chairman of the
Energy Policy Bureau of UNICE,
Full Professor at the Free Univer-
sity of Brussels

Group II

Georges DEBUNNE

Secretary-General of the FGTB/
ABVV (Belgian General Federation
of Labour)

Michel DE GRAVE

Attached to the Research Depart-
ment of the CSC/ACV (Confedera-
tion of Christian Trade Unions)

Alfred DELOURME

Assistant General Secretary of
the FGTB/ABVV (Belgian General
Federation of Labour)

Josef HOUTHUYS

Chairman of the ACV/CSC (Confede-
ration of Christian Trade Unions)

Group III

Jacques DE BRUYN

Honorary General Advisor to the
ABB/BVB (Association of Belgian
Banks)

André DE TAVERNIER

Economic Advisor to the Executive
of the Boerenbond (Belgian Farmers
Union)

Silvain LOCCUFIER

Full Professor at the Free Univer-
sity of Brussels

Alfons MARGOT

General Secretary of the NCMV
(National Christian Union of the
Middle Classes)

Roger RAMAEKERS

President of the Consumer Council,
Secretary-General of the Belgian
Cooperative Federation

DENMARK

Group I

Johannes AMMUNDSEN

Danish Employers Federation's
Spokesman on International
Affairs

Finn BREITENSTEIN

Head of Department in the
International Affairs Division
of the Council of Danish Industry

Kaj STORM-HANSEN

Advisor to the Grosserer Societe-
tet (Danish Wholesalers' Associa-
tion), Member of the Council for
International Development
Cooperation

Group II

Knud CHRISTENSEN

Vice-President of the Danish
Trade Union Confederation (LO)

Preben NIELSEN

Economic Advisor in the Danish
Trade Union Confederation (LO)

Knud MOLS SØRENSEN

Member of the Executive of the
Confederation of Associations of
Danish Council Servants and Em-
ployees (FTF) (Merchant Navy
Officers' Federation)

Group III

Mrs Karen GREDAL

Vice-President, Danish Consumers
Council

Erik Hovgaard JAKOBSEN

Head of Department in the Danish
Agricultural Council (Trade and
Market Policy Department)

Mrs Marichen NIELSEN

Senior Citizens' Consultant

FRANCE

Group I

Jacques du CLOSEL

Executive Vice-President of the
Fédération nationale des entre-
prises à commerces multiples
(National Federation of Multiple
Stores)

Jean COUTURE

President of the Institut Français
de l'Energie (French Energy Insti-
tute)

Claude EVAIN

Delegate of the President of the
CNPF (Employers Federations)
responsible for International
Affairs

Jean de PRECIGOUT

Chairman of the Standing Committee
of the CNPF (Employers Federation),
Honorary Chairman of the Confede-
ration of Textile Industries

Edmond RENAUD

Former Chairman of the FNTP
(National Federation of Road
Transport)

Roland WAGNER

President of the Strasbourg/Bas
Rhin Chamber of Commerce and In-
dustry, President of the Alsace
Regional Chamber of Commerce and
Industry

Group II

René BONETY

Economics Expert of the CFTD
(French Democratic Confederation
of Labour)

Jean BORNARD

General Secretary of the CFTC
(French Christian Workers Fede-
ration)

André DUNET	Associate of the Confederal Board of the CGT (General Confederation of Labour)
Antoine LAVAL	National Secretary of the CGT-FO (Trade Union Confederation)
Charles MASSABIEAUX	Associate of the National Executive of the CGT (General Confederation of Labour)
Jean ROUZIER	National Secretary of the CGT-FO (Trade Union Confederation)
André SOULAT	National Secretary of the CFDT (French Democratic Confederation of Labour)
<u>Group III</u>	
Roger BURNEL	Chairman of UNAF (National Union of Family Associations)
Gérard de CAFFARELLI	Executive Member of FNSEA (National Federation of Farmers' Associations), Vice-President of APCA (Permanent Assembly of Chambers of Agriculture)
Yves CHABROL	Honorary Chairman of the Fédération nationale des syndicats pharmaceutiques (National Federation of Pharmaceutical Associations)

Yvan CHARPENTIE	Honorary Chairman of the CGC (General Confederation of Executive Staff)
Jean-Claude CLAVEL	Director for European and International Affairs at APCA (Permanent Assembly of Chambers of Agriculture)
Joseph DAUL	Vice Chairman of the CNJA (National Council for Young Farmers)
Léon GINGEMBRE	Honorary President of CGPME (General Confederation of Small and Medium-Sized Enterprises)
Louis LAUGA	Deputy Secretary-General of FNSEA (National Federation of Farmers' Associations)
André LAUR	Vice Chairman of CNMCCA (National Confederation for Farmers Mutual Insurance, Cooperation and Credit)
Jean MARVIER	Vice-President and Treasurer of CNAM (National Confederation of Crafts and Trades)
Gabriel VENTEJOL	Chairman of the French Economic and Social Council

GREECE

Group I

Andreas BLAMOITSIS

Member of the Board of the Association of Athens Traders

Mrs Anne BREDIMA

Special Advisor to the Association of Greek Shipbuilders

Filotas KAZAZIS

Vice Chairman of the Federation of Greek Industries

Rizos RIZOS

Chairman of the Athens Federation of Trades and Crafts

Group II

Georges DASSIS

Advisor to the Greek General Confederation of Labour)

Ioannis DOUROS

Chairman of the General Council of the Federation of Civil Servants

Christos KARAKITSOS

Secretary-General of the Greek General Confederation of Labour

Emmanuel SAITIS

Secretary-General of the Pan-Hellenic Federation of Seafarers

Group III

Ilias CHRONOPOULOS

President of the Pan-Hellenic
Confederation of Agricultural
Cooperatives

Theodossios GEORGIU

Lawyer; Secretary-General of the
Greek Social and Economic Council

Nicolaos KOLYMVAS

Secretary-General of the Board
of the Pan-Hellenic Confederation
of Agricultural Cooperatives

Pavlos PAPADOPOULOS

Vice-President of the Athens
Chamber of Crafts

IRELAND

Group I

John N. KENNA

Director of Transport and Foreign
Trade - Confederation of Irish
Industry

Patrick J. LOUGHREY

President of the Irish Committee
of the International Chamber of
Commerce

Gordon A. PEARSON

National Executive Member of the
Federated Union of Employers;
Deputy Chairman of Smith and
Pearson Ltd, Dublin

Group II

John F. CARROLL

President of the Irish Transport
and General Workers' Union(ITGWU)

Henry J. CURLIS

President of the Irish Congress
of Trade Unions(ICTU)

Patrick MURPHY

Assistant General Secretary,
Federated Workers Union of
Ireland

Group III

Patrick LANE

Former President of the Irish
Farmers Association; Vice-President
of COPA

Anthony LEDDY

President, Irish Creamery Milk
Suppliers' Association

Tomás ROSEINGRAVE

National Director of Muintir na
Tíre (Irish Community Development
Movement)

ITALY

Group I

Romolo ARENA	Chairman and Managing Director of "Acciaierie di Piombino SpA"
Edoardo BAGLIANO	Chairman of the FIAT Committee on Community Problems
Costante BENIGNI	Advisor to ENI (National Hydrocarbons Organization)
Alberto MASPRONE	Deputy General Manager for the Coordination of Community Activities of CONFINDUSTRIA (Italian Confederation of Industry)
Guido PAGGI	Head of Division in charge of International Relations of CONFAGRICOLTURA (General Confederation of Italian Agriculture)
Aldo ROMOLI	Responsible for Relations with International Bodies at Montedison SpA, Milan
Paolo SAVINI	Representative of the General Confederation of Commerce and Tourism

Group II

Danilo BERETTA	President of FEDERCHIMICI - CISL (Federation of Chemical Workers - Italian Trade Union Confederation)
Gian Battista CAVAZZUTI	CISL (Italian Trade Union Confe- deration)
Francesco DRAGO	International Affairs Bureau of UIL (Italian Labour Union)
Enrico KIRSCHEN	Member of the Central and Executive Committees of UIL (Italian Labour Union)
Ettore MASUCCI	Secretary-General of the National Federation of Textile Industries of the CGIL (Italian General Con- federation of Labour)
Renato MERAUIGLIA	Secretary-General of FILTA (Italian Federation of Textile and Garment Workers, affiliated to CISL (Italian Trade Union Con- federation)
Giancinto MILITELLO	Secretary-General of CGIL (Italian General Confederation of Labour)
Umberto SCALIA	Member of Executive of CGIL (Italian General Confederation of Labour)
Raffele VANNI	UIL (Italian Labour Union)

Group III

Umberto EMO CAPODILISTA	Member of the Administrative Council of FEDERCONSORZI (Federation of Agricultural Consortia)
Manlio GERMOZZI	President of CONFARTIGIANATO (General Italian Confederation of Crafts)
Pietro MORSELLI	Director of the International Relations Department of the Confederation of Italian Cooperatives
Renato OGNIBENE	Vice-President of the Confederazione Italiana Coltivatori (Italian Farmers Confederation)
Vincenzo PIGA	Member of the Executive Committee of the Cooperative Credit Section of the Banca nazionale del Lavoro (National Labour Bank)
Giulio QUERINI	Professor of Political Economy in the Economics and Commerce Faculty of the University of Rome
Giovanni RAINERO	Responsible for International Agricultural Relations and the Common Agricultural Policy in the National Confederation of Owner-Farmers
Giancarlo ZOLI	Lawyer; Former Mayor of Florence; Vice-President of the Italian Section and Member of the European Bureau of the Council of European Municipalities

LUXEMBOURG

Group I

Carlo HEMMER

Honorary Director of the
Luxembourg Chamber of Commerce,
Chairman of the Board of the
Luxembourg Stock Exchange

Group II

Marcel GLESENER

President of the Confédération
luxembourgeoise des syndicats
chrétiens (Luxembourg Christian
Trade Union Confederation)

Jeannot SCHNEIDER

President of the Fédération
nationale des cheminots, travail-
leurs du transport, fonctionnaires
et employés luxembourgeois
(Luxembourg Federation of Railway
and Transport Workers, Civil Ser-
vants and Employees)

Roger THEISEN

Delegate of the FEP (Federation
of Private-Sector Employees)

Group III

Mathias BERNS

Secretary-General of the Centrale
paysanne luxembourgeoise (Central
Association of Luxembourg Farmers)

Raymond ROLLINGER

President of the Economic and
Social Council of Luxembourg,
Honorary Director of and Advisor
to the Committee of the Luxembourg
Chamber of Trades

NETHERLANDS

Group I

J.Ph.M. van CAMPEN

Advisor to Employer's Organizations

Willem JONKER

Member of the Board of Nederlands Vervoersoverleg (Consultative Body for Transport)

C.T.A.M. LEO

Advisor to the Verbond van Nederlandse Ondernemingen (Federation of Netherlands Industry)

Group II

Thomas ETTY

Policy Expert, International Affairs, with the FNV (Federation of the Netherlands Trade Union Movement)

J.M.W. van GREUNSVEN

Member of the Executive of the NKV (Netherlands Catholic Trade Union Federation)

Bartholomeus PRONK

International Expert with the CNV (Christian National Federation of Trade Unions in the Netherlands)

P.J.G.M. van RENS

Researcher with the NKV (Netherlands Catholic Trade Union Federation)

W. WAGENMANS

Policy Expert, International Affairs, with the FNV (Federation of the Netherlands Trade Union Movement)

Group III

C.A. BOS

Mayor of Katwijk; Member of the Netherlands Social and Economic Council, Guest Lecturer at the Free University of Amsterdam

L.N. GORIS

Deputy Secretary of the Raad voor het Midden- en Kleinbedrijf (Council for Small and Medium-Sized Enterprises)

G.H.E. HILKENS

Secretary of the Nederlandse Gezinsraad (Netherlands Council for Family Matters), Vice Chairman of Konsumenten Kontakt (Consumer Contact Committee)

J. van der VEEN

President of the Nederlandse Christelijke Boeren- en Tuindersbond (Netherlands Christian Farmers' and Horticulturalists' Union)

UNITED KINGDOM

Group I

John GALLACHER	Parliamentary Secretary of the Cooperative Union Ltd; Member of the Council of Retail Consortium Ltd
Sean Geoffrey HALL	Chairman, N. Ireland Fishery Harbour Authority
Michael HICKS-BEACH	Former Director of P.E. International Operations, Ltd
Francis Stephen LAW	Part-time Director of the National Freight Corporation
Herbert LOEBL	Director of Glass Ceramics Ltd
W.G.N. MILLER	Executive Director of Save and Prosper Group Ltd
Charles Ernest MILLS	Advisor and Former Member for Economic Planning of the British Gas Corporation
M.J.G. WYLIE	Director of Anglo-American Asphalt Ltd; Chairman, Post Office Users Council for Scotland
Maurice ZINKIN	Member of the Council on International Development, Ministry of Overseas Development, Consultant, formerly Unilever Ltd

Group II

David BASNETT

General Secretary and Treasurer
of the National Union of General
and Municipal Workers (NUGMW)

Raymond W. BUCKTON

General Secretary Associated
Society of Locomotive Engineers
and Firemen (ASLEF)

Francis J. CHAPPLE

General Secretary of the Electrical,
Electronic, Telecommunication and
Plumbing Union (EETPU)

Geoffrey DRAIN

Secretary of the National and
Local Government Officers Association -
NALGO

Joseph GORMLEY

President of the National Union
of Mineworkers

James F. MILNE

General Secretary, Scottish
Trades Union Congress (STUC)

Mrs C. Marie PATTERSON

National Officer for Female
Workers with the Transport and
General Workers' Union (TGWU)

Michael T. WALSH

Assistant Secretary of the Trades
Union Council

Group III

Richard Clive BUTLER

President of the National
Farmers' Union (NFU)

Mrs Mary CLARK

Member of the National Consumer
Council (UK)

Gwilym Prys DAVIES

Solicitor in private practice

Roderick L. DOBLE

Former Chief Executive and Former
Clerk of the London Borough of
Greenwich

Miss Eirlys ROBERTS

Deputy Director of the Consumers'
Association

Albert Edward SLOMAN

Vice-Chancellor of the University
of Essex

Douglas WILLIAMS

Crown Agent for Overseas Govern-
ments and Administration

The current membership breaks down as follows :

- 47 belong to Group I
 - 54 belong to Group II
 - 55 belong to Group III
-

A P P E N D I X X

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European Communities - Economic and Social Committee
The right of initiative of the Economic and Social Committee

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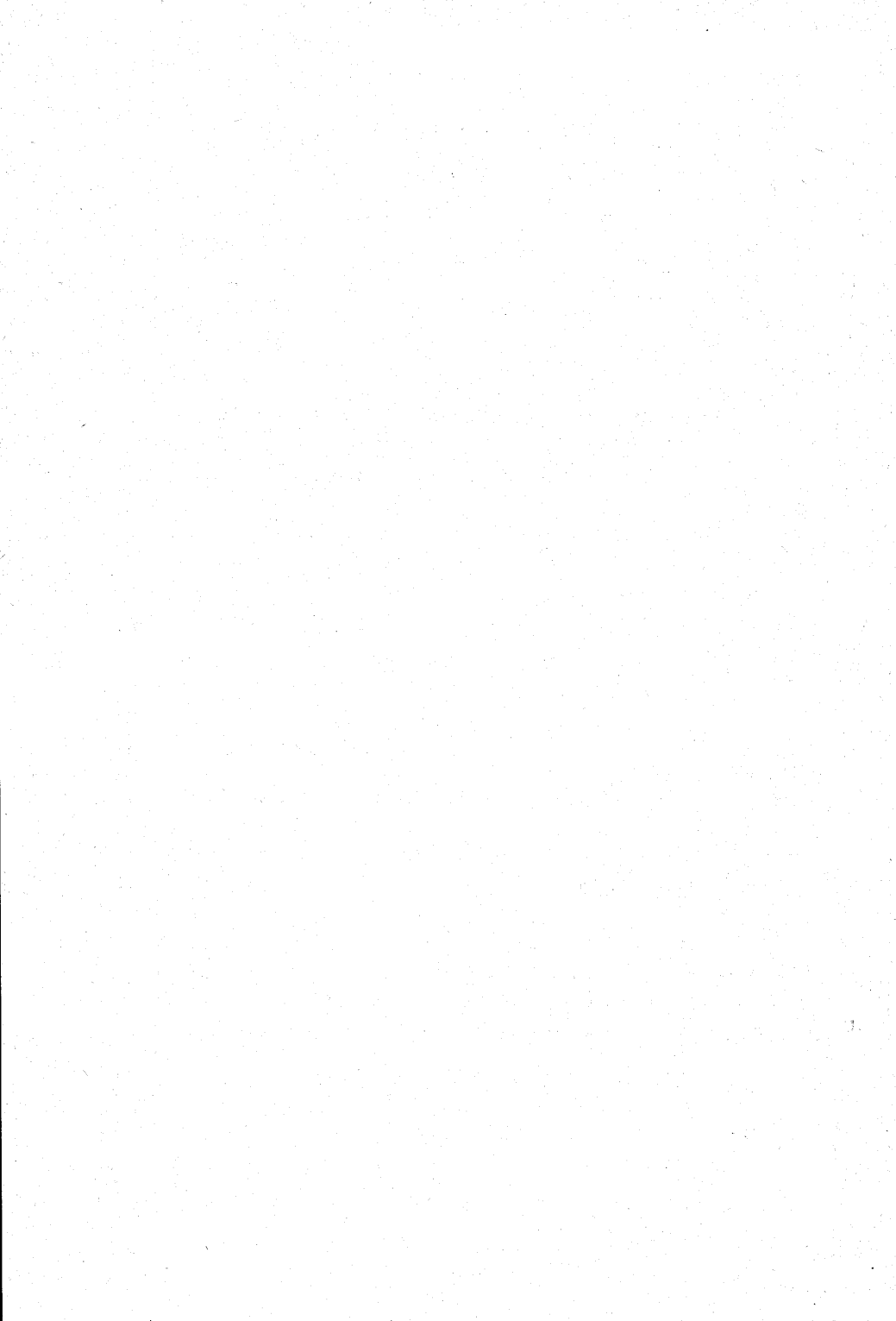
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The first part of this document outlines the ESC's scope for action in the period 1958 - 1972, during which the ESC was unable to express its views on its own initiative on matters connected with European integration.

The most important part of the document is a description of the possibilities for exercising influence that the ESC has acquired as a result of its being granted the right of initiative.

In this context, the ESC's scope for action throughout the Community legislative procedure is indicated and the 69 own-initiative Opinions delivered in the period 1972 - 1980 are summarized to give an idea of the range of subjects dealt with by the Committee. A description is also given of the new possibilities available to the ESC through combined use of its right of initiative and the other instruments provided for in its Rules of Procedure.

The document further considers relations between the ESC, endowed with the right of initiative, and the European Parliament, now elected by universal suffrage, the Council and the Commission.



In 1974 the Council of the European Communities formally recognized the right of the Economic and Social Committee to deliver own-initiative Opinions on matters covered by the EEC and EAEC Treaties.

The ESC has since made frequent use of this right, issuing about ten own-initiative Opinions each year.

The present documentation describes the new possibilities of influence acquired by the ESC as a result of the right of initiative, and contains a summary of the Opinions issued between 1972 and 1980.

On a more general level this publication deals in detail with the nature of the relations between the ESC with its right of initiative and the European Parliament, the Council and the Commission.

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