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COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	29 November 2018
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2018) 783 final
Subject:	Proposal for a Council Decision determining the composition of the European Economic and Social Committee

Delegations will find attached document COM(2018) 783 final.

Encl.: COM(2018) 783 final

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Brussels, 28.11.2018
COM(2018) 783 final

2018/0402 (NLE)

Proposal for a

COUNCIL DECISION

determining the composition of the European Economic and Social Committee

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

Article 301 of the Treaty on the Functioning of the European Union (TFEU) provides that the number of members of the European Economic and Social Committee (hereinafter "the Committee") shall not exceed 350 and that the Council, acting unanimously on a proposal from the Commission, shall adopt a decision determining the Committee's composition.

Article 300(5) TFEU provides that the rules governing the nature of the composition of the Advisory Bodies "shall be reviewed at regular intervals by the Council to take account of economic, social and demographic developments within the Union. The Council, on a proposal from the Commission, shall adopt decisions to that end".

As of 1 July 2013, the composition of the Committee was adapted by Article 23(1) of the Act concerning the conditions of accession of the Republic of Croatia[1] and Article 23(2) provided for a temporary increase of the number of the Committee members to 353 to take account of the accession of the Republic of Croatia. For the period 2015-2020, the Council adopted, on 14 July 2015, the decision determining the composition of the Committee[2] in order to comply with the maximum number of 350 provided for in the Treaty. It led to the reduction by one seat each of the Estonian, Cyprus and Luxembourg delegations.

The current term of office of the European Economic and Social Committee will come to an end on 20 September 2020. Therefore, it is necessary that the Council adopts the decision on the composition of the Committee in time before the Council launches the procedure for the renewal of the Committee for the period 2020-2025.

The withdrawal of the United Kingdom from the European Union on 30 March 2019 will result in 24 vacant seats in the Committee.

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[1] Act concerning the conditions of accession of the Republic of Croatia and the adjustments to the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community, OJ L 112, 24.4.2012, p. 6-110.

[2] Council Decision No 2015/1157/EU, OJ L 187, 15.7.2015, p. 28-29.

The Commission is of the view that the current balance in the composition of the Committee should be maintained as far as possible, as it is the result of successive Intergovernmental Conferences.

Therefore, it is proposed to restitute to Estonia, Cyprus and Luxembourg the three seats these Member States lost following the last decision determining the composition of the Committee and leave the rest of the vacated seats empty as a reserve for possible future enlargements. As a result, for the period 2020-2025, the Committee would be composed of 329 members.

- **Consistency with existing policy provisions in the policy area**

N/A

- **Consistency with other Union policies**

The Commission adopts this proposal in parallel to the proposal on the composition of the Committee of the Regions. The parallelism with regard to the allocation of seats between Member States in both Committees is to be maintained.

The Treaties make no provisions on the method of composition of the European Economic and Social Committee or the Committee of the Regions within the maximum number of 350 members. This is in contrast to the criteria for the composition of the European Parliament that are laid down in Article 14(2) of the Treaty on European Union. Whereas the Parliament is composed of directly elected representatives of the Union's citizens, the Committee consists of representatives of employers, of employed and of other parties representative of civil society (Article 300(2) TFEU). Therefore, ensuring that the voice of employers, employed and of the civil society is heard in the Committee should be the primary concern when determining the new composition of the European Economic and Social Committee, as opposed to establishing a direct link between the size of the national delegations in the Committee and the size of the respective populations of the Member States.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The proposal is based on the Article 301 TFEU which provides for a unanimous Council decision determining the Committee's composition.

- **Subsidiarity (for non-exclusive competence)**

N/A

- **Proportionality**

N/A

- **Choice of the instrument**

The second paragraph of Article 301 TFEU provides that the Council, acting unanimously on a proposal from the Commission, shall adopt a decision determining the Committee's composition.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

N/A

- **Stakeholder consultations**

In preparing the current proposal, the Commission has been in close dialogue with representatives of Member States and held several meetings with them.

The European Economic and Social Committee sent to the Commission its recommendation, based on the decision of its Bureau on 18 September 2018[3], to restore three seats to Estonia, Cyprus and Luxembourg which they had lost in 2015 and not to redistribute any other vacant seats, setting the number of members for the mandate of 2020-2025 at 329.

- **Collection and use of expertise**

N/A

- **Impact assessment**

This proposal is not accompanied by a specific impact assessment as it is not expected to have wider significant economic, social and environmental impacts.

[3] Letter of the Committee's President to the Commission of 4 October 2018.

- **Regulatory fitness and simplification**

N/A

- **Fundamental rights**

N/A

4. BUDGETARY IMPLICATIONS

The reduced number of seats in consequence of the withdrawal of the United Kingdom from the European Union could have a decreasing effect on the overall budget of the Committee.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

N/A

- **Explanatory documents (for directives)**

N/A

- **Entry into force**

It is proposed that the Council postpones application of this decision until the day after the end of the current term of office of the Committee.

2018/0402 (NLE)

Proposal for a

COUNCIL DECISION

determining the composition of the European Economic and Social Committee

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular

Article 301 thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) Article 300 of the Treaty sets out the rules for the composition of the European Economic and Social Committee.

(2) Council Decision (EU) 2015/1157[4] adapted the composition of the European Economic and Social Committee following the accession of Croatia. Estonia, Cyprus and Luxembourg each lost one seat in order to address the discrepancy between the maximum number of the members set by the Treaty and the number of members following the accession of Croatia.

(3) The preamble to Decision 2015/1157/EU states that it is to be revised in time for the mandate of the Committee starting in 2020.

(4) On 18 September 2018, the European Economic and Social Committee adopted recommendations to the Commission and to the Council on its future composition[5].

(5) The current balance in the composition of the European Economic and Social Committee should be maintained as far as possible, as it is the result of successive Intergovernmental Conferences,

(6) The withdrawal of the United Kingdom from the European Union has resulted in 24 vacant seats in the Committee. As a consequence, the balance in the allocation of seats existing before the adoption of Council Decision (EU) 2015/1157 can be restored,

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4 Council Decision (EU) 2015/1157 of 14 July 2015 determining the composition of the European Economic and Social Committee (OJ L 187, 15.7.2015, p. 28).

5 European Economic and Social Committee Bureau decision of 18 September 2018.

HAS ADOPTED THIS DECISION:

Article 1

The composition of the membership of the European Economic and Social Committee shall be as follows:

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

Article 2

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 21 September 2020.

Article 3

This Decision is addressed to the Member States.

Done at Brussels,

For the Council
The President