



Social and Regional Policies of the European Community for an Integrated Equilibrium

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Doi:10.5901/jesr.2017.v7n1p31

Abstract

EC is considered a «bridge» between Europe and civil society. The councilors represent directly the interest of EC's civil society. The Committee plays either the role of the welcoming structure for some forums of the participating democracy or the role of warrantor for a pluralist model that strengthens the legitimacy of the decision-making process. Thanks to the role granted by the Treaty, its structure and competences, ESC comprises a privileged place for the representation, information and expression of the organized civil society; by this, it admits the operation of the only "field" of its kind between Europe and the citizens. In case the Committee of the Regions represents whether originally or not a fundamental step in the development of the "Europe of the Regions" it is not very clear. The example of federal states of Germany used by the Committee of the Regions as an expression tool of their opinion at European level, is successful. However, it should be mentioned that CoR has achieved to be an independent body in a short period of time, able to reflect essential influencing opinions on regional issues.

Keywords: *Committee, welcoming structure, pluralist model, fundamental step, independent body*

1. Economic – Social Committee (ESC)

The Economic-Social Committee (ESC) is a consultative body (EC Treaty, *article 7, former article 4*), comprised of individuals. KEQQ considers it firstly as consultative committee related to the High Authority (*article 18 of the Treaty*). ESC from EC Treaty in the original version (1957) is foreseen as an instrument of expressing the interests of "different components of economic and social character in the organized civil society, in particular to producers, farmers, stockmen, employees, traders and handicraftsmen, thus to free professions". (*The EEC Treaty, article 257/2, former article*)¹. This body began to run from 1958 and now ESC is the institutional tool for submitting the economic interests and social groups of the EU countries. The above mentioned categories in ESC are combined in three groups: I- employer; II- employee; III- different interests². Its fundamental duty is to give opinions to the European Parliament, EU Council and the European Commission. The Committee is obligated to be consulted for the cases provided in the treaty and any time deemed necessary by the institutions. The main function of ESC is to submit near the Commission and Council opinions for certain legislative proposals and also to be consulted with EP. ESC may express opinions upon its initiative although these are not mandatory to be implemented, (approx. 15 % are own-initiative opinions). The Committee produces at average around 150 opinions yearly of different topics. Thus, it actively participates in the decision-making process of the Community. The Committee runs two other complementary duties among them or rather allows a wider expansion and participation of the "organized civil society" for the European integration project; strengthens the role of the "organized civil society" in countries (or group of countries) outside the Community, or in the candidate countries by which are created very active "consultative committees" with their own model. Therefore, "EU establishment" is either a "duty" of the political institutions or organization of citizens involved in the economic, social and cultural life of their countries.

The Council and the Commission are obliged to be consulted with the committee in the cases "provided by the treaty",

¹ Luigi Daniele. *The Right of the European Union* p. 64.

²John Peterson & Michael Shackleton. *The institution of European Union*. pp. 33

and to give advices to ESC any time they deem it necessary. (EEC, article 198).

The issues requiring the consultation with ESC are related to:

- free movement of employees
- expanded area of social policy
- internal market
- economic measures
- education policy
- health policy
- industrial policy
- researches
- environment
- employment

ESC opinions are taken into consideration not only from the problematic issues which are being analyzed but also from the specific will of the commissioners.

Commissioner Bruce Millan (1997) has stated that: *"the Social-Economic Committee generates valuable reports, but however as far as I can see, many new Commissioners, do not give importance to what ESC says; they consider such reports unimportant and it would be a total disaster in case the situation will be the same even for the Committee of the Regions"*.³

1.1 Value of the Economic-Social Committee

ESC contribution to the European integration lies in three aspects: firstly, the councilors inherit specialized competencies. Such inheritance is enriched with the working methods (study groups, direction to specialists, hearings); secondly, ESC is a place of research and elaboration to solve based compromise issues starting from the primary positions representing different or contradictory interests; thirdly, because of the diversity of its members, ESC will strengthen the requests submitted from the organizations of the organized civil society. These organizations represent its main partner. The Economic and Social Committee increased upon expansion of EU with other member countries. Each of the member countries is represented by a considerable number of persons, which number varies from the size of the given country. The enlargement in May 2004 counts 317 members which should transmit better the needs of the civil society of the member countries. Just after reaching its size to 27 members, the Treaty of Nice has foreseen 344 members of ESC. The Constitutional Treaty foresees not more than 350 members of ESC, which structure will be defined unanimously by the Council of Ministers (*article III- 295*). ESC will have a presidency office with a president appointed for 2 years and 6 months.⁴

2. The Committee of the Regions (CoR)

The Committee of the Regions (CoR) was established upon the Maastricht Treaty, but the idea of realizing the cooperation between the regions and localities existed time before but nothing was possible until 1992 when CoR was foreseen as an independent body enabling the regional and local authorities to participate in the European integration process. Being aware of the restricted rights of the Advisory Board of Regional and Local Authorities in the Commission (*established in June 1988*) and by developing the European Community policies in favor of the regional competences, creation of a regional source body at European level driven by the federal states of Germany, Belgium government and the Assembly of European Regions during the final stage of Maastricht Treaty's negotiations. As a result, EU Treaty established the CoR and an advisory committee of the regional and local authorities. At the beginning, the federal states of Germany were considered as an embryo of the German Bundestrat, thus the idea was that CoR might work for the creation of the third legislative chamber, but failed. Anyhow, with such 'political weight' the committee has achieved to become a very influencing body. During the inaugural plenary session on March 9th, 1994, the CoR reached to increase gradually its competences and thus resulting into a greater administrative autonomy. In fact, As a matter of fact, the regional authorities were hopeful that CoR would achieve even more by the end of its first mandate, and it succeeded,

³ John Peterson & Michael Shackleton. *John Peterson & Michael Shackleton. The institution of European Union pp.339.*

⁴ *European Constitution p. 236 Official publishing office of the European Community 2003*

however CoR is undoubtedly an influencing body.⁵ The Committee of the Regions faced two important problems:

1. Whereas the percentage of EC legislation is applied at local or regional level, it has an important role in the decision-making process by transmitting the regional or local interests to the legislative process of the European Community.
2. Involve the citizens inside the process of enlargement and empowerment of the Community by playing the role of an approaching instrument with Europe.

At the beginning, it seemed that CoR would be the embodiment of the Economic—Social Committee, originally sharing the meeting room and the support staff, but there is an important difference between them; however when speaking of the similarities of CoR with ESC, CoR acts as an advisory body that should be consulted with the Council, Commission and EP in specific political areas defined by the treaty. According to the Maastricht Treaty, such political areas include as well the: education, culture, health, economic and social cohesion (structural fund). The Commission and the Council are obligated to advice CoR as long as there are new proposals of special sectors. The Amsterdam Treaty increased the number of the political areas where is required the consultation with CoR including also the:

- a) employment policy
- b) social policy
- c) environment
- d) professional education
- e) transport

The abovementioned policies include the largest part of the EC activity. The activity of EC is based on the fundamental elements: Subsidiarity; Approach; Partnership. The European Commission's initiative is to work closely with CoR in particular since it approves the idea of the Europe of Regions that would break the dominancy of the decisions taken from the central government of the member countries. CoR submits its opinions to the Commission and the Council upon their request or its own initiate but neither in delay nor mandatorily. Also, CoR has the right to present the reports and resolutions at its own initiative, enabling the representatives of regional and local interests to express their points of view related to any aspect of the European Integration.⁶ However, based on the treaty, the CoR's opinions shall not be prominent and CoR cannot address any petition to ECJ to defend its rights.

The Constitutional Treaty foresees that in frame of the subsidiarity and proportionality principles, CoR may propose to the Court of Justice the request of cancelling the legislative acts due to violation of the treaty in the cases when it is provided the consultation of CoR and such consultation is not realized⁷. CoR's opinions are prepared and discussed in its 7 (seven) specialized commissions before are submitted to the plenary session for approval.⁸ Likewise in EP, the two large political groups work together in CoR. The political connection plays a role in the decision-making, changes between the national delegations, northern and southern European regions and between the local and communities and the regions; they also play a significant role based on what is proposed.

3. Conclusion

EC is considered a «bridge» between Europe and civil society. The councilors represent directly the interest of EC's civil society. The Committee plays either the role of the welcoming structure for some forums of the participating democracy or the role of warrantor for a pluralist model that strengthens the legitimacy of the decision-making process. Thanks to the role granted by the Treaty, its structure and competences, ESC comprises a privileged place for the representation, information and expression of the organized civil society; by this, it admits the operation of the only "field" of its kind between Europe and the citizens.

In case the Committee of the Regions represents whether originally or not a fundamental step in the development of the "Europe of the Regions" it is not very clear. The example of federal states of Germany used by the Committee of the Regions as an expression tool of their opinion at European level, is successful. However, it should be mentioned that CoR has achieved to be an independent body in a short period of time, able to reflect essential influencing opinions on

⁵ At the beginning, the method of dividing the countries was a big problem because of the misunderstandings related to the right term of the word "region" which lead to conflicts between the regional and local authorities.

⁶ During the first four years, CoR submitted approx. 200 opinions, 46 of which were presented in 1998, and only 7 were made by its own initiative.

⁷ www.cor.eu.int

⁸ Opinions of CoR depend partially on the above mentioned structures, meanwhile the political groups play an important role in the creation of informing opinions, too. The below political groups were represented in the second mandate of CoR:

regional issues.

Other EU committees are⁹: the consultative committee in the transport area; the scientific and technical committee; the monetary committee which reserves the “own-initiative” right; the committee for the administration of the European social fund; the committee of the conjunctural policy; the committee of economic policy; the committee for the balance policy; the consultative committee for professional education; the committee for the agricultural administration, etc.

References

- Luigi Daniele. The Right of European Union, Giuffrè Editor, 2010.
John Peterson & Michael Shackleton. The Institution of European Union. OUP Oxford, 2012.
www.cor.eu.int
<https://kk.rks-gov.net>.
<https://sq.m.wikipedia.org>.
www.pbz.gov.al
Institutions of the European Union. Elisabetta Bergamini, p. 10. (cycle of lectures)
European Constitution, <https://it.m.wikipedia.org>
Publishing office of the European Community, 2003

⁹Institutions of the European Union. Elisabetta Bergamini, p. 10. (cycle of lectures)