



Brussels, 20 March 2015

7359/15

**CES 17
INST 82
AG 9**

NOTE

From: Presidency
To: Permanent Representatives Committee

No. prev. doc.: 10980/14 CES 31 INST 289

Subject: Proposal for a Council Decision determining the composition of the European Economic and Social Committee

1. Pursuant to Article 301 of the Treaty on the functioning of the European Union (TFEU) the number of members of the Economic and Social Committee shall not exceed 350. Nevertheless, Article 23(1) of the Treaty of accession of Croatia increased the number of members to 353. This provision only applies temporarily, namely until the current term of office of the Committee¹ comes to an end on 20 September 2015².
2. As from the new term of office the transitional increase ceases to apply and the number of members must be decreased by at least 3 seats, to a maximum 350.

¹ OJ L 112, 24.4. 2012.

² Council Decision 2010/570/EU, Euratom.

3. On 12 June 2014, the Commission submitted to the Council a proposal for a Council decision determining the composition of the committee (10980/14). It suggests decreasing the number of members of the committee by reducing the number of members from Luxembourg, Cyprus and Estonia by one seat for each delegation. Unanimity is needed to adopt the Council Decision.
4. The proposal was first discussed together with a parallel proposal concerning the composition of the Committee of the Regions. For urgency sake¹, the two files were separated. Discussion on the draft Council Decision on the composition of the Economic and Social Committee resumed in the General Affairs Group only after the Decision on the Committee of the Regions' composition was adopted. The General Affairs Group met on 3 March 2015 and on 18 March 2015 to discuss the Presidency's compromise text that was based on the language agreed for the composition of the Committee of the Regions.
5. As the Economic and Social Committee's mandate expires on 20 September 2015, launching the reappointment procedure of all its new members should be done without delay, in order to allow its renewal and a seamless functioning of the Committee.
6. The Treaties do not contain any provision allowing the Economic and Social Committee to remain in place for current business after the end of its term of office. It is therefore urgent to proceed with a Council Decision on the composition of the Economic and Social Committee. Further delay could put in danger the timely completion of the renewal procedure.
7. COREPER is invited to discuss the Presidency compromise text in the annex to this note with a view to reaching an agreement on the draft Council Decision.

¹ The Committee of the Regions' term of office had reached its end on 25 January 2015.

Changes in the text compared to the Commission proposal are underlined.

COUNCIL DECISION
of
determining the composition of the 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 Treaty establishing the European Atomic Energy Community, and in particular Article 106a thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Article 300(2) of the Treaty on the Functioning of the European Union (TFEU) sets out the rules for the composition of the Economic and Social Committee ~~provides that the Economic and Social Committee shall consist of representatives of organisations of employers, of the employed, and of other parties representative of civil society.~~
- (2) Article 301 TFEU provides that the Council ~~shall~~ is to determine the composition of the Economic and Social Committee. The number of members ~~shall~~ is not to exceed 350.
- (3) The current balance in the composition of the Economic and Social Committee should as far as possible be maintained as it is the result of successive Intergovernmental Conferences.
- (4) This Decision is of a transitional nature as it is adopted to address a specific legal issue, namely the discrepancy which exists between the total number of members of the Economic and Social Committee resulting from successive Intergovernmental Conferences and the maximum number of members established by Article 301 TFEU.
- (5) This Decision is adopted in the context of specific circumstances related to the Economic and Social Committee and does not constitute a precedent for the composition of any institution.

- (6) This Decision shall be revised by the Council, on the basis of a Commission proposal, in time for the mandate of the Committee starting in 2020 or, in any case, in view of the next enlargement.
- (7) The review shall be based on the outcome of the current Decision, namely respecting the number of seats established hereby for Member States interested by the present change. As a result of this review the further reduction of seats will not be applicable to Member States affected by the current Decision.
- (8) In order to allow the Economic and Social Committee to be composed in accordance with Article 23 of the Act of Accession of Croatia until the end of the term of office of the current members, the entry into force of this Decision should be deferred until that date,

HAS ADOPTED THIS DECISION:

Article 1

The number of members of the Economic and Social Committee shall be as follows:

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

Article 2

~~This Decision shall enter into force on the date of day following the end of the term of office of the current members of the Economic and Social Committee.~~

This Decision shall enter into force on the date of its publication in the *Official Journal of the European Union*.

It shall apply as from 21 September 2015.

Done at ...,

For the Council

The President
