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## EU National Economic and Social Councils and Similar Institutions

*A study prepared in the framework of the European Union Democracy  
Observatory for the European Economic and Social Committee (EESC)*

Didier Chabanet and Alexander H. Trechsel

Florence, October 2011

EUDO Report  
2011/3

EUDO Observatory on Public Opinion,  
Political Elites and the Media (Public Opinion)

Directors: **Alexander H. Trechsel** and **Mark Franklin**

PUBLIC OPINION



**European Union Democracy Observatory (EUDO)**

Robert Schuman Centre for Advanced Studies, European University Institute  
Via delle Fontanelle, 19; I-50014 San Domenico di Fiesole; Italy  
EUDOsecr@eui.eu; www.eudo.eu

# EU National Economic and Social Councils and Similar Institutions

## STUDY

### Abstract

Inspired by a European spirit, the EU's national economic and social councils and the EESC worked together tirelessly to create a European network of economic and social councils. Thanks to the commitment of the presidents and members of all the councils, the network has helped forge systematic and structured cooperation on topics of practical relevance in EU policy. Today, the EU's network of economic and social councils and similar institutions is a recognised institutional set-up which is consulted and listened to by the main EU institutions.

The present publication is an integral part of a larger comparative study on EU Member States consultations with civil society on European policy matters. Following a call for tenders launched by the EESC, the EUDO Observatory on Public Opinion, Political Elites and the Media was commissioned to carry out the study under the direction of Didier Chabanet and Professor Alexander H. Trechsel. The publication is identical with the text published by the EESC: <http://www.eesc.europa.eu/resources/docs/eesc-2010-21-en.pdf>

### Disclaimer

The opinions expressed in this document are the sole responsibility of the author and do not necessarily represent the official position of the EESC.



This study was funded by the European  
Economic and Social Committee





## FOREWORD

Dear reader,

It is my great pleasure to bring to you this information document on the national organisations in the 27 countries of the European Union referred to collectively as “Economic and social councils or similar institutions”.

Inspired by a European spirit, the EU’s national economic and social councils and the EESC worked together tirelessly to create a European network of economic and social councils. Thanks to the commitment of the presidents and members of all the councils, the network has helped forge systematic and structured cooperation on topics of practical relevance in EU policy.

Today, the EU’s network of economic and social councils and similar institutions is a recognised institutional set-up which is consulted and listened to by the main EU institutions.

As president of the EESC’s Communication Group, it seemed important to me to be able to have summary information on the member bodies of the network, their respective characteristics and national specificities.

The present publication is an integral part of a larger comparative study on *EU Member States consultations with civil society on European policy matters*. Following a call for tenders launched by the EESC, the European Union Democracy Observatory at the European University Institute in Florence was commissioned to carry out the study under the direction of Didier Chabanet and Professor Alexander H. Trechsel.

I hope you enjoy reading it.

**Irini Pari**

*Vice-president of the EESC*

*President of the EESC Communication Group*

*(2008-2010)*

## Table of Contents

INTRODUCTION .....	9
<b>Part I: EU Member states with a Economic Social Council .....</b>	<b>11</b>
AUSTRIA .....	13
BELGIUM .....	19
BELGIUM .....	25
BULGARIA .....	31
CZECH REPUBLIC .....	37
FINLAND .....	43
FRANCE .....	49
GREECE .....	57
HUNGARY .....	63
IRELAND .....	69
ITALY .....	75
LITHUANIA .....	81
LUXEMBOURG .....	87
MALTA .....	93
NETHERLANDS .....	99
POLAND .....	105
PORTUGAL .....	111
ROMANIA .....	117
SLOVAKIA .....	123
SLOVENIA .....	129
SPAIN .....	135

<b>Part II: EU Member states with no Economic Social Council .....</b>	<b>141</b>
CYPRUS .....	143
DENMARK.....	147
ESTONIA.....	151
GERMANY.....	157
LATVIA .....	161
UNITED KINGDOM.....	167
SWEDEN.....	171
<b>ANNEXES .....</b>	<b>179</b>
Guideline for Countries with no ESC .....	181
List of Country Experts .....	185



## INTRODUCTION

As scheduled in the call for tender, this part of the study give an overview of civil society consultation processes on European issues at national level, and map the organisation of national economic and social councils (ESC).

The description of the national economic and social councils includes:

1. Name and address and other contact details of the organisation;
2. National legal basis
3. Organisational set-up
4. Mission statement
5. Experience with European-related work

Each brochure has been prepared by a country-expert, who collected information and data on Internet, and conducted telephone interviews with relevant representatives of each national ESC.

Each brochure has been sent to the national ESC for approval. We received an answer from the Advisory Council for Economic and Social Affairs (Austria), the Central Economic Council (Belgium), the Council of economic and social agreement of the Czech republic, the Economic and Social Council of the Republic of Hungary, and the Economic and Social Council of the Netherlands.

For countries with no ESC, a specific questionnaire was elaborated (see annexe).





**Part I:**  
**EU Member states with a Economic Social Council**



# AUSTRIA

## Beirat für Wirtschafts - und Sozialfragen Advisory Council for Economic and Social Affairs



Geschäftsführung Postbox 183, A-1045 Vienna

**Phone:** +43 (0)1 501 65 2369

**Fax:** +43 (0)1 501 65 2513

**Email:** [thomas.delapina@akwien.at](mailto:thomas.delapina@akwien.at)

**Website:** <http://www.sozialpartner.at>

### 1. National Legal Basis

The Austrian Council for Economic and Social Affairs (*Beirat für Wirtschafts und Sozialfragen*, hereinafter: *BWS*) was originally a sub-committee of the so-called Parity Commission (*Paritätische Kommission*). The Parity Commission was established in 1957 on an initiative by the Chancellor Julius Raab and the president of the Austrian Trade Union Federation (*Österreichischer Gewerkschaftsbund*) Johann Böhm. The BWS was established as a sub-committee of the Parity Commission in 1963. Formally, the BWS has neither a statutory legal basis in Austrian law, nor is its' policy-making role formally recognized within the constitution. Furthermore, it does not have its own budget or its own premises.

In general, cooperation between the Social Partners within the BWS is based on voluntary agreements among the peak associations of labour (*Bundesarbeitskammer* and *Österreichischer Gewerkschaftsbund*) and business/employers (*Landwirtschaftskammer* and *Wirtschaftskammer Österreich*). An attempt to enshrine this tripartite

relation between government and interest-representation has been made in 1951 (Bundesgesetzes 4 April 1951 (BGBl. Nr. 104/1951), but ruled as unconstitutional only one year later (cf. VfSlg 2323/1952). Since then, the cooperation between social partners and government on relevant policies has remained informal and voluntary, relying on practice and precedence. Nevertheless, except the Austrian Trade Union Federation, the Social Partners are the legally sanctioned representation of employees and employers respectively. The composition of each of the Social Partners can be found in Table 1.

## **2. Organisational Set-up**

### ***2.1 Members***

The BWS is composed of 21 individuals. Formally, there are four members of each of the four peak associations. In practice, one of the four posts of the Economic Chamber (industrial branch) has been assigned to the Federation of Austrian Industries (*Industriellenvereinigung*), the voluntary interest representation of the Austrian industry. Furthermore, there are five permanent experts, of which four belong to one of the four peak associations, while one is a member of the Austrian Institute for Economic Research (*Österreichisches Institut für Wirtschaftsforschung*). Finally, there are two Secretary Generals, one from the side of employers and one from the side of employees' representation.

Members to the BWS are nominated by their own (federal) association, subject to their internal rules of procedure. The period of the mandate of each member is indefinite, but can be terminated at any point in time by the (federal) association by which the member has been delegated.

### ***2.2 Presidency and Meetings***

The BWS maintains a rotating presidency, which changes every six months. The Presidency chairs the monthly meetings of the BWS and represents it externally. The meetings are usually not open to the public. Venues for the meetings are provided by the association that holds the presidency. The nomination of the president is subject to the internal rules of procedure of each of the four peak associations individually.

### ***2.3 Competencies, Functioning and Decision-Making***

The areas of activity of the BWS include broadly all economic and socio-political issues. On the request of the four presidents from each peak association, the BWS will get active in working out a report or an opinion on any given issue. The BWS can also start a report/opinion on its own initiative provided that the four presidents agree on the topic. To this end, a specific working group will be installed, consisting of members of the four (federal) associations, as well as – if required – external experts. Crucially, such reports are meant first and foremost to establish consensus among the members of the BWS before results and recommendations are presented to the government. Hence, the decision-making mode is characterized by an absence of (majority) voting and relies heavily on consensus seeking. The function of the Secretary General is to transform results of reports into recommendations that are acceptable to all four members of the BWS. Hereinafter, the BWS forwards the recommendations to the presidents of the four peak associations, and only after their approval recommendations and positions of the BWS are made public to decision-makers.

### **3. Mission Statement**

The BWS's area of activity is vast and covers broadly all issues of economic and social policy. Its' reports and recommendations focus in particular on the following fields:

- Macro and Micro Economic Policies: stabilization of purchasing power, stable and continuous economic growth, coordination of social and economic policies, collective bargaining of wages, employment policy, competition policy;
- Structural Development;
- Internationalization and European Integration: enhancing international competitiveness via investment, research, enhancing productivity and quality;
- Social Policy: social security, pensions, education, apprenticeship, consumer protection, social inequality;
- Environmental Policy.

Methods of political deliberation and agenda setting: objectification of the political debate on social and economic issues via expertise and consensus seeking, agenda setting e.g. via parliamentary committees;

#### **4. Experience with EU-Related Work**

The Social Partners play a prominent role in EU policy-making at the national and EU level. A glance at the website of the Social Partners reveals that EU issues dominate the agenda. The BWS focuses increasingly on EU related policies, giving recommendations on issues including the “Lisbon Strategy”, “the European Social Model”, “Energy Policy”, “Regulation of Financial Markets” and “Education (Bologna Process)”. Despite initial predictions that the role of the Social Partners would be diminished due to Austria’s accession to the European Union and the connected transfer of policy-making authority to supranational institutions (for example monetary policy), the opposite development seems to be the case. Several factors that ensure the involvement of the Social Partners in EU policy-making at both the national and EU level can be identified:

##### ***4.1 Europe-Agreement 1994***

Prior to Austria’s EU accession an agreement (“Europe-Agreement”) between the government (a coalition of SPÖ and ÖVP) and the Social Partners has been signed. The “Europe Agreement” guarantees the involvement of the Social Partners in the government’s EU policies in matters that are relevant to them. On the basis of the “Europe Agreement” several laws have been amended so as to ensure the participation of the Social Partners in questions relating to EU affairs of the government at the national level. Extensive information rights have been granted and consultation bodies have been established, involving broadly all four Social Partners. A formal involvement – voting rights, negotiations – at the EU level could not be granted, as it would contradict EU law.

#### ***4.2 Relations with the EESC and EU Institutions***

10 out of 12 Austrian members in the EESC are nominated by the social partners. Currently, the Austrian delegation at the EESC consists of 9 members that are affiliated to the social partners, while three members are affiliated to groups outside the social partnership. The BWS has one member within the EESC (currently the Secretary General of the BWS (Delapina)). Furthermore, members of the Social Partners' organizations are also affiliated with the Austrian permanent representation in Brussels.

#### ***4.3 The EU Commission's Social Dialogue***

Besides the national channels of involvement, the Social Partners are also consulted via the EU Commission on legislative initiatives directly on issues concerning social policy. The involvement of Social Partners is stipulated within the EU Treaties, and thus opens the possibility for alternative channels of involvement.

#### ***4.4 Written Contributions and Recommendations***

The written contributions by the BWS concerning European issues do not only address national decision makers, but also EU institutions by evaluating their broad policy initiatives and specific legislations. Aside from substantive policy advises, the BWS also takes position on the institutional structure of EU decision-making. In the position on the "post-Lisbon 2010 Strategy" the BWS recommends that the Social Dialogue at the EU level should be strengthened by supporting the building of social partnership structures in new Member States, ensuring an improved and timely consultation of social partners on the Macro- and Micro-economic policies and within the process of "Open Coordination", the involvement of all employees and employers association in the tripartite social dialogue.





# BELGIUM

## Conseil central de l'économie Central Economic Council



Avenue de la Joyeuse entrée, 17-21  
B-1040 Bruxelles

**Phone:** +32 (0)2 233 88 11

**Fax:** +32 (0)2 233 8912

**Email:** [mail@ccecrb.fgov.be](mailto:mail@ccecrb.fgov.be)

**Web :** <http://www.ccecrb.fgov.be/>

### 1. National legal basis

The Central Council for the Economy (CCE) is an advisory, cross-industry organism in which both employers' organisations and trade unions are represented. It was created by the law of 20 September 1948 concerning the organisation of the economy with the aim of institutionalising the dialogue between employers' organisations and trade unions on economic issues and enlightening public authorities in their efforts at formulating economic policy. It brings together representatives of private sector trade unions, employers (corporations, small and medium-sized firms, middle classes, agriculture) as well as academics who are co-opted by the representative organisations.

The introduction of universal suffrage and the recognition of the trade unions stimulated the process of democratisation which resulted in 1944 in the "agreement project for social solidarity". In this project, employers accepted to recognise the trade unions

as partners in their own right and to move in the direction of the improvement of living standards thanks to wage rises and the creation of social security. The trade unions, for their part, accepted the authority of the employers within the firm and agreed to loyally collaborate in the effort to increase production.

This was the spirit in which the 1948 law concerning the organisation of the economy was promulgated. The law created the Central Council for the Economy (CCE) as well as the Professional Councils. They were given a pivotal role between employers and the trade unions – the social partners – and public authorities. The issue, therefore, was the institutionalisation of “economic democracy”, which subsequently was to be given a social dimension through the joint commissions and the creation of the National Council of Labour (NCL).

The main task which the CCE and the other organs of socio-economic cooperation have to carry out is the formulation of a socio-economic compromise which contributes to economic progress and to the improvement of the collective well-being. The formulation of this compromise has become increasingly complex during the last few years because of social transformations (the structure of the family, leisure time, rise in life expectancy ...), globalisation and the competitive tensions it generates between countries with different socio-economic legislation, the introduction of new technologies and environmental concerns.

## **2. Organisational set-up**

### ***2.1 Membership***

The CCE is constituted on the basis of equal representation of employers and workers. It has up to fifty effective members and as many deputy members. Its members are appointed, after proposal by the representative organisations of employers and workers, by royal decree for a period of four years. Their mandate is renewable. The already appointed members then designate six effective members and six deputy ones known for their scientific or technical capacities. Representatives of the non-business sector participate as observers with no voting right in the work of the Council.

The CCE is presided by an independent personality which does not emanate from the administration or from the organisations represented on the Council. The President is appointed by the King after he has consulted with the Council. The President's mandate, which is for a six year period, is renewable. The President autonomously steers the discussions which take place in the Council, in the Board and in certain commissions. He is assisted by four Vice-Presidents, designated on the basis of equal representation of employers and workers by the plenary assembly. The Vice-Presidents determine the political lines of force of the activities of the Council.

The plenary assembly, which is made up of all the members, is the decision making body. It votes on the notices and final reports prepared by the sub-commissions. It also approves the proposals relative to administrative and personnel issues. In cases of no consensus, a voting procedure is organised. Each member has one vote.

The plenary assembly delegates the day to day management to the Board. The latter is made up of twelve members designated on the basis of equal representation of employers' and workers' representatives. The Board's composition guarantees it a particular influence: it is composed by leaders of the main economic and social organisations and is closely linked to the political establishment and the main economic and social authorities of the country.

The preparatory work for the notices and reports is entrusted to specialised sub-commissions. These are made up of Council members, experts from the organisations represented on the Council and experts from other institutions such as the Planning Bureau, the universities, the National Bank, etc. There also exist mixed commissions on which sit members and experts both from the CCE and from the National Council of Labour (NCL). Some examples include the mixed commissions on social assessment, on planning and conjuncture and on employment and wage costs.

The Council is also the host for Specialised Consultative Commissions (SCC) whose mission consists in putting together notices or proposals regarding those problems that are relative to the sector of activity that they represent. The SCCs are constituted on the basis of equal representation of employers and workers. There are commis-

sions for the following sectors of activity: textile and garments, construction, fishing, chemicals, food industry, leather and paper. For those sectors for which a SCC does not exist, special commissions have been created by the CCE. These include the retail industry, the diamond industry, transport, hotels and restaurants, etc.

## **2.2 *The secretariat***

The Council's secretariat – which has about sixty collaborators – is an independent working instrument at the disposal of the social partners. It is steered by a Secretary and a Deputy Secretary who are responsible for the day to day management and for personnel. They are appointed by the King after proposal of the plenary Assembly.

The secretary's main mission is to prepare notices and reports by means of which the social partners present a detailed account of their positions. To fulfil this aim, the secretariat has as a mission to inform the social partners and to organise the cooperation between them. It therefore organises hearings and conferences bringing together external experts and politicians and distributes studies and relevant official documents emanating from other authorities as well as notes and reports drafted by the secretariat. To do this, the secretariat has built a network in which participate Belgian and European public authorities, the National Bank and the Planning Bureau, the universities, the international organisations (OECD, ECB, IMF, ...), the consultative regional socio-economic councils, the EESC and the ESCs from both the EU member states and from other countries around the world (through the International Association of Economic and Social Councils, the IAESCSI).

## **3. Mission statement**

The CCE's mission is to present to ministers or to legislative bodies, either on its own initiative or after being asked to do so by these authorities, in the form of a report presenting the various points of view outlined in its internal discussions, all the opinions and proposals concerning problems that are relative to the national economy. This includes industrial relations, the various aspects of the production and exchange mechanism, as well as economic and social policy, both at the international and fed-

eral level as well as at the level of the individual firm. Moreover, the Council has the capacity to publish notices on its own initiative.

The CCE's notices are not binding: the final decision making power remains in the hands of the executive and legislative authorities. Moreover, consultation of the CCE is optional in principle: the government and the parliament are free to directly ask the social partners represented on the Council for their point of view. A certain number of legal arrangements stipulate however the CCE's obligation to publish its notices on given subjects, such as wage margins, product norms, information to company councils, etc.

Other than its consultative function, the CCE also organises the dialogue between the social partners and operates as a forum in which the big socio-economic debates can be analysed and deepened. To fulfil this role, the Council regularly organises meetings between the social partners and external experts in order to reflect on the questions raised by a world caught in a process of transformation.

The commissions created within the Council allow us to identify those themes that are taken up in the CCE: they clearly reflect its central missions. The commissions are the following:

- Social and economic policy;
- European current affairs monitoring;
- Organisation of the economy;
- Sustainable development and new societal developments;
- Competition.

#### **4. Experience with European-related work**

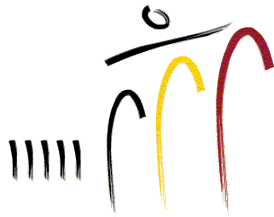
Monitoring European current affairs is an important part of the work carried out by the Council as can be witnessed by the notices published in the past on the issue of European integration.

The unit "Monitoring European current affairs" was created in order to keep pace with the inflow of information on the various processes taking place at the European level. This unit follows closely the various stages of European decision making processes, acquaints itself with the evolution of the preparatory work, analyses its impact on the Belgian economy and can, eventually, put together proposals with the aim of preparing policy recommendations to be presented to the Belgian authorities involved in the European decision making process. It is with this aim that a structured monitoring of the work of the main European decision making organs is carried out and that regular hearings of the Belgian permanent delegation are organised.

The sub-commission specialising on the Lisbon Strategy focuses its attention on the implementation of the priorities that were identified during the European summit in Lisbon, namely an active labour market policy, the pursuit of the development of the single market while at the same time privileging network industries, investment in research and the pursuit of strong and sustainable growth as well as greater social cohesion.

# BELGIUM

## Conseil National du Travail National Labour Council



Avenue de la Joyeuse Entrée 17-21  
B-1040 Bruxelles

**Phone:** +32 (0)2 233.88.11

**Fax:** +32 (0)2 233.89.38

**Email:** [spruyt@nar-cnt.be](mailto:spruyt@nar-cnt.be) / [dufrane@nar-cnt.be](mailto:dufrane@nar-cnt.be) / [griffie@nar-cnt.be](mailto:griffie@nar-cnt.be)

**Website:** <http://www.cnt-nar.be>

### 1. National legal basis

The National Labour Council and the Central Economic Council are both better known as the Belgian House of the Social Partners. The National Labour Council was created by the Act of 29th May 1952, which gave it the status of a public institution.

However, various bodies played as far back as 1886, a more or less significant role in social relations between employers and workers at the national level as well as in the industrial sector, the region and the undertaking. In chronological order may be mentioned: the Labour Committee (1886), the Industry and Labour Councils (1887), the Supreme Council of Labour (1892) and the Supreme Council of Labour and Social Insurance (1935).

At the end of World War II, the representatives of the social and economic world began to play a more and more important role. This ended up in the setting up of the



Central Economic Council in 1948 and of the National Labour Council in 1952. The National Labour Council is composed of titular and of substitute members as well as associated members.

## **2. Organisational set-up**

### ***2.1 Membership***

The National Labour Council is composed of 24 titular members and 24 substitute members. The titular members are appointed by the Crown, all the members are appointed for a renewable 4-year term of office. The titular members' seats are equally divided between the most representative inter-occupational employers' and workers' organizations.

- These are on workers' side:
  - The Belgian General Federation of Labour (the Socialist F.G.T.B.-A.B.V.V.);
  - The Belgian Confederation of Christian Unions (the Christian C.S.C.-A.C.V.);
  - The Belgian Federation of Liberal Unions (the Liberal C.G.S.L.B.-A.C.L.V.B.).
- On employers' side:
  - The Federation of Belgian Industries (F.E.B.-V.B.O.);
  - The "Middle Classes" organizations (U.C.M.- UNIZO);
  - The Agricultural organizations (FWA - Boerenbond);
  - CSPO/CENM.

By virtue of the Royal Decree of 7th April 1995, two associated members take part in the activities of the Council. Associated members are not given an equal status as titular or substitute members, their vote is non-decisive.

## **2.2 Inner structure**

On an institutional basis, the National Labour Council is organized on three levels: the Plenary Council, the Executive Board and the Committees. The Secretariat prepares draft opinions or collective industrial agreements to be brought before the Council for approval and draws up the minutes of the Council, Board and committee meetings as well as background papers on the issues examined by these bodies.

### *Plenary Council*

The Council sits at least once per quarter; it meets when convened by the chairperson. In practice, a meeting is held the first Tuesday of each month. When the consultation of the Council is mandatory, it has to issue opinion within two months.

In practice no vote is taken on the Council's opinions or suggestions concerning general social problems. If unanimity is not obtained, however, the names of the groups, organizations or members subscribing to the text of the opinion or suggestion are recorded. When the Council meets to conclude collective industrial agreements under the Act of 5th December 1968, the proceedings are valid only if at least half of the members representing the employers' organizations and half of the members representing the trade unions are present.

### *Executive Board*

The Council sets up an executive board composed of ten members: the chairperson, four vice-chairpersons, four other members designated by the Council on parity basis and the Secretary- General. The Executive Board is composed of top leaders of the large employers' and workers' organizations, who have as such regular contacts with political circles and the main institutions of the country. The Board sits every second Wednesday of each month.

### *Committees*

The real work takes place in the Committees. The Council charges specialized committees with preparatory studies. They submit reports on their activities to the Council, generally in the form of draft opinions or collective industrial agreements.

Any titular or substitute member of the Council may take part in the activities of a committee. Committee members may be assisted by experts, a right to which they frequently resort. Committees are established by the Council according to issues to be examined. The number of committees created within the National Labour Council comes to ninety, some of them having a nearly standing character:

- Committee Works Councils;
- Committee Individual Labour Relations;
- Committee Collective Labour Relations;
- Committee Social Security
- Committee International Labour Organization.

Furthermore, a number of joint committees have been set up in cooperation with the Central Economic Council for matters relating both to social and economic realities.

#### *The Secretariat*

The 1952 Act assigns a double task to the Secretariat: to ensure clerk registry and stewardship services, and to provide with the documentation relating to the Council's activities.

Within the framework of these duties, the Secretariat prepares draft opinions or collective industrial agreements to be brought before the Council for approval and draws up the minutes of the Council, Board and committee meetings as well as background papers on the issues examined by these bodies.

The Secretary and the Deputy Secretary are appointed by the Crown. The other Secretariat members (+ 40) are appointed by the Council.

### **3. Mission statement**

Article 1 of the National Labour Council Act of 29 May 1952 defines the role of this body as follows:

To advise a Minister or the Houses of Parliament on its own initiative or at the request of these authorities, on general social issues concerning employers and workers;  
To issue opinion on jurisdictional disputes between joint committees.

The Act of 5th December 1968 respecting collective industrial agreements and joint committees considerably enlarged the Council's role by empowering it to conclude collective industrial agreements, which are binding on various branches of activity or all sectors of the economy. Moreover, a collective industrial agreement may be concluded in the National Labour Council for a branch of activity which is not within the competence of an established joint committee or where an established joint committee does not function.

Beside the general duties it has been assigned by these two acts, the Council carries out more specialized advisory tasks under social laws prescribing its preliminary consultation on all or part of the enforcement measures.

Such laws are e.g. those related to the following matters : work contracts, organization of the economy, collective industrial agreements and joint committees, protection of the remuneration, labour Act (working hours, Sunday rest, young people's work, women's work and protection of maternity), work rules, paid holidays, labour courts or tribunals, wage earners' social security and pensions, etc.

#### **4. Experience with European-related work**

For a number of years now, meetings at the National Council of Labour (NCL) are regularly organised on European issues. These meetings bring together the social partners and Belgian politicians. The contacts that are thus established help to ensure that the members of the CCE are informed about European issues and allow them to be in a position of influencing Belgian positions on these issues.

In this framework, the NCL highlights its commitment to the Lisbon strategy, which remains essential. Moreover, the most recent agreements to have been concluded with the NCL and the CCE concerned themes which largely overlap or chime with the

objectives of the Lisbon strategy. Often, the social partners adopt elements of this strategy in order to strengthen their position in the balance of forces between them. This is part of the balanced adaptation of the Belgian economic and social model.

The NCL very strongly reasserts its commitment to a strategy of sustainable development which strikes a balance between its various aspects: economic growth, employment, social cohesion and environmental sustainability that have been inspired over the last few years by the Lisbon strategy. It is necessary to keep all of these objectives in balance and to maintain the coherence between them both at the European level and in the various ways in which they are implemented at the Belgian level.

# BULGARIA

## ИКОНОМИЧЕСКИЯТ И СОЦИАЛЕН СЪВЕТ Economic and Social Council of the Republic of Bulgaria



Република България  
ИКОНОМИЧЕСКИ И СОЦИАЛЕН СЪВЕТ

“Tsarigradsko shose” blvd., № 111, BG-1784 Sofia

**Phone:** + 359 2 939 80 16

**Fax:** + 359 2 939 80 36

**Email:** [office@esc.bg](mailto:office@esc.bg) / [esc@esc.bg](mailto:esc@esc.bg)

**Website:** <http://www.esc.bg/>

### 1. National legal basis

The Economic and Social Council was established as a consultative body expressing the will of the structures of civil society for economic and social development. The Economic and Social Council is a legal entity at budget support with headquarters in Sofia. It was established in 2001. The Council shall work out and adopt:

- Opinions on bills, national programmes and plans regarding economic and social development;
- Opinions on acts of the National Assembly regarding economic and social development;
- Opinions on strategic problems of economic and social policies;
- Resolutions on topical issues of economic and social policies and of civil society;
- Analyses of problems of economic and social policies.

The Economic and Social Council's functioning is also based on principles of the organised civil society and through various organisations represented it is expressing

and defending citizens interests. The mission of the ESC is to facilitate civil organisations participation in important decision making process governing the country.

The Economic and Social Council provides adopted analyses and opinions to the President of the Republic of Bulgaria, the National Assembly, the Council of Ministers and other institutions. This way, effectiveness of civil dialogue with national governing authorities is guaranteed. Thereby, the Economic and Social Council is providing every citizen the opportunity of the organised civil society advantages for defending their ideas and interests during the executive and legislative authorities decision-making process.

## **2. Organisational set-up**

### ***2.1 Plenary Session***

The Plenary Session shall comprise the President and 36 Members divided into three groups - employers, trade unions and other civil society organisations. The Plenary Session Members shall be appointed with a four-year mandate. It shall adopt opinions on bills, national plans and programmes of the Council of Ministers, on acts of the National Assembly, on strategic issues of the economic and social policy, as well as on annual memoranda on the economic and social development of the country. The Plenary Session is also assigned to adopt analyses on topics of importance for the society. The president of the Council, the vice presidents, the members and the secretary general, who has no voting right, shall participate in the plenary session.

It is divided on three groups:

- The first group shall consist of 12 members appointed by the managing bodies of the representative organisations of employers on national level acknowledged by the Council of Ministers by the order of the Labour Code;
- The second group shall consist of 12 members appointed by the managing bodies of the representative organisations of workers and employees on national level acknowledged by the Council of Ministers by the order of the Labour Code;

- The third group shall consist of 12 members distributed as follows:
  - One representative of the organisations of agricultural producers;
  - One representative of the organisations of industrial cooperation;
  - One representative of the organisations of the craftsmen;
  - One representative of the professional branch organisations;
  - One representative of the organisations of consumers;
  - One representative of the organisations of women;
  - One representative of the ecological organisations;
  - One representative of the organisations of the disabled;
  - One representative of the organisations of the retired;
  - One representative of the organisations supporting the socially weak, disabled or the persons needing care;
  - Two independent scientists - specialists on the issues of economic and social policies appointed by the Council of Ministers upon proposal of the Minister of the Economy and the Minister of Labour and Social Policy.

### ***2.2 President***

The president of the Council shall be elected by the National Assembly upon a proposal of the Council of Ministers, coordinated in advance with the groups represented in the Council.

### ***2.3 Presidents Board***

The Presidents board shall consist of the president and the vice presidents. The secretary general shall also participate in its meetings with a consultative voice. The Presidents board shall consult and assist the work of the president between plenary sessions and shall propose their agenda. Upon a proposal of members of the Economic and Social Council, of its commissions and on its own initiative the Presidents board shall take decisions for working out statements in the cases under art. 5, paragraph 4.



### **3. Mission statement**

The Economic and Social Council has to:

- Provide the participation of a wide circle of representatives of the civil society in the public and economic life, strengthening the principles of the constitutional democratic and social state;
- Serve as a permanent institutional form of social and civil dialogue and of the consultations on economic and social policies between the President of the Republic, the National Assembly and the Council of Ministers and the structures of the organised civil society;
- Answer to the legal aspirations of social and economic groups, to the structures of civil society to express opinion, statements and proposals regarding acts of the legislative and executive powers having impact on their interests;
- Strengthen the principles of participatory democracy applying the experience of the European Economic and Social Committee and other similar national and international organisations based on cooperation with them.

The Council shall carry out its activity on the basis of the principles of independence and publicity cooperation and interaction with the bodies of the legislative and executive powers, equality and mutual respect of interests of the structures of civil society represented in it.

### **4. Experience with European-related work**

The Council maintains contacts and cooperation with the European Economic and Social Committee and other similar national and international institutions.

The Joint Consultative Committee European Union – Bulgaria (JCC EU – Bulgaria) was established in July 1998 with a decision of the Association Council in accordance with art. 109 of the European Agreement concluded between the Member-States of the European Community, on the one hand, and the Republic of Bulgaria – on the other. After the establishment of the Bulgarian Economic and Social Council, JCC EU – Bul-

garia was the basic institutional instrument for cooperation between the European Economic and Social Committee and the Economic and Social Council in the process of preparation of the Bulgarian civil society for full European Union membership.

The JCC EU – Bulgaria held five meetings, where it presented and discussed work reports on strategic issues of Bulgarian EU accession. JCC EU – Bulgaria stood its ground with dignity before the Bulgarian authorities and European institutions in a close dialogue with the organisations of the civil society.

With its effective activity, the strong support of the social partners and the personal commitment of its members, JCC EU- Bulgaria was a prerequisite for the establishment and successful development of the Bulgarian Economic and Social Council. With the Bulgarian accession to the European Union, the JCC EU – Bulgaria concluded its activities.



# CZECH REPUBLIC

## Rada Hospodářské a Sociální Dohody ČR The Council of Economic and Social Agreement of the CR



Ministerstvo práce a sociálních věcí ČR (Ministry of Labour and Social Affairs)  
Na Poříčním právu 1  
128 01 Praha 2

**Phone:** +420 221 922 024/ 224 002 270

**Fax:** +420 221 922 947/ (420) 257 535 930

**Email:** [tripartita@mpsv.cz](mailto:tripartita@mpsv.cz)

**Website:** <http://www.mpsv.cz/cs/6434>

### 1. National Legal Basis

The Council of Economic and Social Agreement of the Czech Republic (RHSD) was established as an institutionalized platform for social dialogue between the government, trade unions and employers' organisations (tripartite body) in 1990. Its original name was "Council of Social Agreement" but due to the evolving political and socio-economic conditions of a country in transition, the social dialogue platform in the Czech Republic endured several changes since its inception. The present conditions under which the RHSD operates were defined in Statutes and Standing Orders of the Council of Economic and Social Agreement of the Czech Republic adopted during its first Plenary Session in 1997. Further amendments to the founding Statute were added in 2000, 2002, and 2004.

Today the Council represents a joint voluntary body of government representatives, trade unions and employers with the aim to achieve tripartite consensus in areas of common interest pertaining to economic and social policies, employees rights and collective bargaining, employment, wages, public services and public administration, safety at work, training and human resource development and Czech republic's role

in the EU. Because the Council has not been recognized through a formal legal statute, its decisions are (legally) non-binding and the government's use of the Council's proposals is thus discretionary. In this sense, the Council acts as a mere consultative and advisory body.

## **2. Organisational set-up**

The constituent organs of the Council include the Plenary Session, the Presidium, Working Teams, Working Groups, and the Secretariat.

### **2.1 Inner structure**

The *Plenary Session* is the top discursive and negotiating body of the Council. It discusses conceptual aspects, offers opinions on draft laws, comments on the current and projected trends in the competence of the Council. Moreover, it acts as a dispute settlement and problem solving platform among partners in order to prevent threats to social peace and determines the Session's agenda proposed by the RHSD Presidium. Upon proposals from the Presidium, it also appoints heads of individual Working Teams and Groups of the Council.

The Plenary Session consists of eight government representatives, seven representatives from trade unions and seven representatives from employers' organisations. The Plenary Session(s) convene six times a year though extraordinary sessions can be called.

The *Presidium* is the executive body of the RHSD. The prime minister of the Czech Republic officially presides over the Council while vice premiers (one each) for government, trade unions and employers form the Presidium's additional members. The Presidium discusses strategic documents, debates differences of opinion arising during Plenary Sessions, considers and assesses the state of the social partnership's development, solves situations endangering social peace and informs the Plenary Session on results of its discussions. In urgent cases it communicates directly with respective state, trade union and employers' bodies.

The *Working Teams* are the Council's permanent expert bodies. They are responsible for legal and statutory matters while the Working Groups, having the same level of authority and responsibility as the Working Teams, work in an extraordinary and temporary capacity, dealing with specialised or theme-specific matters related to the Council's Statutes. Together, Working Teams and the Working Groups mutually discuss, prepare and provide expert opinions, background documents, and cooperate in the creation of draft legal regulations for the Council.

The list of the various standing Working groups and Working teams of the Council of Economic and Social Agreement of the Czech Republic include the following:

- Working team for Tripartite and Organizing Matters;
- Working team for Public Services and Public Administration;
- Working team for Education and Human Resources;
- Working team for Social Issues;
- Working team for Work Safety;
- Working team for the EU;
- Working team for Economic Policy;
- Working team for Wages, Salaries and Related Matters;
- Working team for Labour relations, Collective Bargaining and Employment;
- Working Group for Taxation and Insurance;
- Working Group for Concept of Pension Reform;
- Working Group for Cultural Matters;
- Working Group for Cooperation with ELO;
- Working Group for Regional Development;
- Working Group for Health Care;
- Working Group for Domestic Market Protection;
- Working Group for Issues of the Regional Industrial Restructuring;

- Working Group for Amendment of the RHSD Statute and Rules of Procedure;
- Working Group for Environmental Impact Assessment;
- Commission for Transport.

The *Secretariat* prepares the draft agendas, provides administrative and organisational support for the Council's plenary session, records the sessions' minutes, organises press conferences and provides relevant information to the Government and media. It also submits final governmental drafts and Parliamentary reports to the Council's social partners' secretariats. The Secretariat is managed by the General Secretary who is appointed by the Government on the consensus decision among all three delegations. Since 2007 Ministry of Labour and Social Affairs is responsible for the operational aspects of the Secretariat.

## ***2.2 Membership***

Social partners, representing both employers and employees, as members of the Council are obliged to be politically independent (non-partisan), must function at the national level but with regional representation and must be registered under Act no. 83/1990 on citizens' associations, as amended. Employers' organisations are required to represent at least 400 000 employees, while member trade unions are obliged to demonstrate a confederal structure - uniting at least three trade unions in different sectors and representing at least 150 000 organised union members.

## **3. Mission Statement**

In an atmosphere of confidence, the Council of Economic and Social Agreement of the Czech Republic aims to maintain and stabilise social peace in the demanding period of economic transformation, public administration reform and Czech Republic's path of accession and integration in the European Union. The members of RHSD - social partners and government representatives - participate in the formulation of legal norms and contribute to the strengthening of a social dialogue among its core partners.

The Council further strives to work toward extended collective agreements (e.g. industry-wide) and thereby maintain sound social partnership relations. In the pursuit of a continuous social dialogue government representatives and its social partners confirm their mutual commitment to a long-term social pact irrespective of the political climate and maintain their agreement on mutual strategic intentions to develop the economy and citizens' living standards.

#### **4. Experience with European-related Work**

At the EESC in Brussels, the Czech Republic's civil society is represented by twelve members. However, according to the official EESC website, until present, no written contributions or opinions have been officially submitted by any Czech representatives in the EESC. Hence the RHSD and its individual members have so far acted in a liaising, information and training capacity with respect to EU related matters. Most of their activities include providing commentaries, information and training campaigns on pertinent EU directives linked to its members' interests.

The Czech social partners' rather passive participation in the EESC can be partly explained by their inexperience with the workings of various European institutions. It also reflects the domestic culture of the social dialogue platform which is voluntary and to a great extent discretionary rather than rewarding members' pro-active stance. The RHSD's Working Group on European Affairs was also initially established to oversee the procedural demands of Czech Republic's pre-accession process to the EU. The RHSD and its members hence still need to gain capacities and impetus pertinent to their (full) membership (of the EESC) status. Capacity building programs, such as the ESF Operational Program on Human Resources and Employment targeting to reinforce the members' capacities and thereby improve the quality of social dialogue at both the national and European level have been a step in the right direction. Among the Program's successes was the establishment of a social dialogue portal (<http://www.socialnidialog.cz>) which acts as an interactive virtual platform for a wide range of civic and private sector actors.



In addition to the Council members' activities in the EESC, the most salient national public and formal political debates that ignited large-scale engagement of civic actors, including the RHSD, with numerous references to the EU related matters (namely concerning Czech Republic's position, responsibilities and/ or (non)compliance with pertinent EU directives) included the national public debate on the (non) adoption of the Euro, the Czech energy and renewable resources (controversy concerning the use of nuclear energy) and the economic crisis (e.g. responses to the Government's anti-economic crisis measures plan).

In the reverse arrow, activities initiated by the EESC vis-à-vis the Czech Republic included the establishment of contacts with the Czech presidency with a view to the organisation of European Consumer Day in 2009; an EESC fact-finding mission (as per EESC Plenary Session decision, July 2008) to the Czech Republic in the context of the Lisbon Strategy Observatory (LSO) and the "Effective Governance of the renewed Lisbon Strategy" (EESC, Annual Activities' Report 2007). Moreover, EU institutions engage with individual members of the RHSD through various funding programs and pan-European initiatives targeting their specific competence areas.

# FINLAND

## Ekonomiska rådet Economic Council of Finland



Snellmaninkatu 1, Helsinki  
P.O.Box 23, FI-00023 Government

**Phone:** +358 (0)9 160 22171

**Fax:** +358 (0)9 160 22092

**Email:** [jukka.pekkarinen@vnk.fi](mailto:jukka.pekkarinen@vnk.fi)

**Website:** <http://www.vnk.fi/hankkeet/talousneuvosto/en.jsp>

### 1. National legal basis

The Economic Council of Finland, chaired by the Prime Minister, is a body for facilitating co-operation between the Government, the Bank of Finland and major interest groups. The Economic Council aims to strengthen and deepen broad-based, analytical discussion prior to the taking of economic policy decisions relating to the growth, balance and structure of the economy.

With slight amendments, the Act and Decree have been in force since 1966. The definition of the Council's tasks has not been amended at all. The latest amendment of the Act took place in 2003, when it was stipulated officially that the Council operates in conjunction with the Prime Minister's Office, not in conjunction with the Ministry of Finance.

According to the Act, the Government may appoint an Economic Council "for macro-economic planning and for the preparation of state economic policies aimed at pro-

moting favourable development of the national economy". The Economic Council is not a compulsory body. The last time when an Economic Council was not appointed was in 1979.

## **2. Organisational set-up**

The Government has a fairly free hand in appointing the Council. According to the Act, the Economic Council is composed of at least two members of the Government and "representatives of economic organisations, agencies or public bodies prominent in their respective fields in terms of their number of members or expertise". The current Decree sets the number of members between ten and twenty.

The Economic Council is appointed for two years at a time. However, members of the Government serve on the Council only for as long as they sit in the Government. The Act does not prescribe that the prime Minister serves as a Chairperson. Instead, the Act states that "it is the responsibility of the member of Government serving as Chairperson to the Economic Council to direct the long-term economic policy planning within the Government". According to the Decree, the Council selects two Vice-Chairpersons from among its members. Thus, the Act is very flexible and has allowed operations to be adapted to the prevailing circumstances even though the operating environment has changed markedly since the Act and Decree entered into force.

The Act and the Decree give the Government much freedom when deciding on the composition of the Economic Council. The Prime Minister has chaired the Council since 1980. The other Government representatives are "ministers with the most influence on economic policy". When they are appointed, attention is paid not only to their spheres of responsibility; it is also ensured that all political parties in the Government are represented. Besides the Prime Minister, the following ministers currently serve on the Council: the Minister of Finance; the Minister of Defence; the Minister of Public Administration and Local Government; the Minister of Economic Affairs; the Minister of Education; the Minister of Culture and Sport; and the Minister of labour.

Since the 1960s, the representatives of economic interest groups “prominent in their respective fields” have included the presidents of the central employer and employee organisations, the president of the Central Union of Agricultural Producers and Forest Owners (MTK), and the Governor of the Bank of Finland. More recent members include the Director General of the Association of Finnish Local and Regional Authorities, the Director General of the Central Chamber of Commerce, and the President of the Federation of Finnish Enterprises. A common feature shared by interest groups representatives is that they represent large groups of actors who through their own decisions and choices directly influence the implementation of economic policy or economic trends.

State Secretaries in the Prime Minister’s Office and in the Ministry of Finance, and the Economic Policy Adviser to the Prime Minister serve as permanent experts.

The Economic Council is assisted by a small secretariat located in the Prime Minister’s Office. It is part of the Policy-analysis Unit. According to its own definition, the Secretariat “prepares the meetings of the Economic Council, organises and, to an extent, produces reports and analyses for the use of the Council. It maintains contacts with the authorities, institutions and organisations involved in economic research and the economic and social councils of other countries. In addition, the Secretariat monitors economic policy developments and carries out other duties assigned to it by the Chairman of the Economic Council”.

The Secretary is headed by the Secretary General, who at present also serves as the State Under-Secretary leading the Policy-analysis Unit. As is common at this level in central administration, the Secretary General has a fixed-term post. However, the post is not tied to the Government’s term or the Prime Minister’s person. This means that, unlike the new State Secretaries to the Ministers, the Post-holder does not change when Governments change.

### 3. Mission statement

The Council has no decision-making power on economic policy. Even though the regulation as such enables the preparation of plans and the issuance of recommendations and opinions, in practice the Economic Council does not decide on public joint stands. Instead, the Council holds confidential discussions on both current issues and long-term structural issues and challenges in the sector of economic policy, without making decisions or issuing joint opinions.

The issues discussed by the Economic Council relate to the following subject matters:

- Integration of Finland's economy as part of the European Union and the global economy;
- Incomes policy. Centralised incomes policy was implemented in Finland from 1968 to 2007. Discussions on incomes policy in the Economic Council from 1964 onwards contributed to the emergence of an atmosphere conducive to the first comprehensive income policy settlements and for the signing of the 'Liinamaa' agreements for the years 1969 and 1970. However, even then the Economic Council was not party to incomes and labour market policy. Issues pertaining to incomes policy and labour have constituted only one – although important – theme in the dialogue between the Government and interest groups;

Withdrawal from the recession of the early 1990s. When the recession hit Finland in the early 1990s, the current account balance plummeted. Even before that, in 1989, a working group coordinated by the Secretary was commissioned by the Economic Council to draw up a report on the risks involved in current account trends. The working group was composed of representatives of several bodies engaged in forecasting. The working group warned of the problems that a current account deficit would bring. Even though the report itself did not lead to any measures when it was published, it contributed to the quick spreading of crisis awareness among policy-makers once the recession had set in;

- The Economic Council also played an important role in halting the spiralling public debt at the outset of the recession. For instance, some individual Council members presented the initiative to draw up a list of cost-cutting measures for balancing the State economy (known as 'the Sailas list'). In contrast, the discussions held in the Economic Council were of relatively minor importance for operative decision-making and practical work. However, as a regular forum for meetings and exchange of information, the Council may have given even major support for the formulation of a common picture of the situation and for the spreading of crisis awareness among various economic players.

The agenda has often included issues that are not part of economic policy in the narrow sense of the word but have clear economic dimensions. They have been associated with topics such as globalisation, demographic trends, social policy, education and research, and the environment. The most important studies and reviews drawn up or commissioned by the Secretariat for the Economic Council are usually published in the Prime Minister's Office Publication series.

Deliberations in the Economic Council are confidential. The minutes (meeting memoranda) give a general summary of the discussions but individual comments are not recorded. The regulations on the openness of government activities apply to these minutes. The studies prepared and commissioned by the Economic Council are public, and information on them is available.

#### **4. Experience with European-related work**

Cooperation with the then EEC became a topic of debate in Finland in the late 1960s. The Economic Council's Integration Section, founded in 1971, the report published by this section, and the debate conducted in the Economic Council were of primary importance when Finland prepared for the free trade agreement of 1973. In contrast, the Economic Council had surprisingly few discussions on Finland's accession to the European Union, when the matter was under preparation before 1995. Instead, the Economic Council took an active part in discussions concerning the EMU and the common monetary policy both before and after Finland joined the system. These dis-

cussions were of major importance for various bodies when adapting and preparing for the new operating environment. During the recession years of the early 1990s, concentration on domestic problems meant that the global economy was given far less attention than was the case later in the 2000s. However, the Secretariat brought this issue onto the Council's agenda already in the 1990s and has raised it for discussion on several occasions thereafter as well, especially in 2004.

The Economic Council also participates in cooperation among corresponding economic and social councils in other EU Member States. In practice, the Council Chair has not participated in the cooperation network's meetings for the obvious reason that Finland is the only country where the Prime Minister chairs the council. Finland has generally been represented by the Secretary General, who has sometimes been assisted by a Council member representing interest groups.

# FRANCE

## Le Conseil économique, social et environnemental Economic, Social and Environmental Council



9, place d'Iéna  
F-75775 Paris cedex 16

**Phone:** + 33 (0)1 44 43 60 00

**Fax:** + 33 (0) 1 44 43 61 87

**Website:** <http://www.conseil-economique-et-social.fr/home.asp>

### 1. National legal basis

The Conseil Économique, Social et Environnemental (formerly the Conseil Économique et Social) is France's third most important constitutional assembly. Articles 69-71 of the 1958 Constitution establish its official statute. The order issued on 29 December 1958 (amended in 1962 and 1984) defines its organization and mode of operation. It may be:

- a constitutional assembly which is completely independent of both the Executive and Parliament;
- a representative assembly consisting mainly of members designated by nationwide social and economic groups;
- an advisory assembly, which issues opinions and recommendations to the French government on matters of economic and social relevance.



### *The constitutional reform of 2008*

By transforming the Economic and Social Council into the Economic, Social and Environmental Council (ESEC) and by enlarging the number of issues on which it can be consulted, the constitutional reform of 2008 has given to this council a new environmental vocation. The new composition of the Council takes this into account by integrating 33 members from the environmental milieu: associations and foundations which are active in the field of the protection of the environment and personalities which are competent in this field.

The 233-strong consultative assembly will also open its doors to the young, students and competent personalities coming from the cultural, scientific and sports fields, as well as from that of the action in favour of the disabled. The role of associative actors and of those acting to promote social cohesion will also be reinforced.

Measures are taken to move towards the numerical equality in representation between men and women and to limit to two the number of mandates (each mandate lasting five years) that can be successively carried out by the council's members.

The links with the Parliament are also strengthened by the fact that the presidents of the two assemblies can directly consult the council.

The main novelty introduced by the reform is that it authorises citizens to directly refer a matter to the council by means of a petition to the extent that the latter is signed by 500 000 adults, of French nationality or regularly living in France. The council must in that case make its notice public within one year. The notices that result from a valid petition will be transmitted to the Prime Minister, the president of the National Assembly and the president of the Senate. It will also be published in the Journal Officiel.

The reform also allows the government to use an emergency procedure when needing to consult the Council on a reform or a new piece of legislation.

## 2. Organisational set-up

The composition of the CESE is based on two main criteria:

- every major economic and social activity is granted legal representation;
- the organizations most illustrative of French society appoint representatives and notify the Prime Minister of their choices.

### *18 Groups*

The members of the Conseil are divided into 18 groups according to procedures specified in the statutory texts. In many cases, these groups are composed of members designated by the professional and labour organizations to which they belong. That is particularly the case for trade unions representing salaried staff. These groups may also include council members appointed by organizations sharing the same interests or sector of activity, such as agricultural groups or co-operatives. Others bring together council members who have been designated in the same manner, such as the group of qualified individuals. Group members debate the views upheld by the Conseil under the supervision of their Chairman.

### *An institution operating as an assembly*

The CESE operates along the same lines as the French Parliament. The council members elect the Chairman and the other members of the Board.

### *The Chairman*

The Chairman convenes the Board, draws up the agenda and chairs meetings. He summons plenary sessions and presides over debates. He receives referrals and transmits the recommendations, reports and studies issued by the Conseil to the French government. The Chairman represents the Conseil before the French authorities and maintains relations with the government, in particular the Prime Minister. He is also responsible for representing the CESE abroad.

### *The Board*

The Board is the collegiate body in charge of running the CESE. The composition of the Board must reflect the composition of the Conseil as closely as possible. The Board is elected by secret ballot to serve a term of two and a half years. The Board advises on all important matters involving the activity of the CESE. On the proposal of groups, it selects the items to be discussed by the Conseil when it meets on its own initiative. It draws up the agenda for plenary sessions of the Conseil, allocates referrals to the various departments and decides the composition of these departments at the suggestion of the groups. The Secretary-General takes part in its deliberations.

### ***The Secretary-General and the Secretariat***

The Secretary-General is appointed by a decree issued by the Chairman at the suggestion of the Board. As the proposal customarily involves one person, the Secretary-General is, in fact, elected by the Board. The tasks entrusted to the Secretary-General are to ensure the preparation and implementation of the Board's decisions, to organise the work of the various groups within the Conseil, and to monitor compliance with laws and regulations.

### *The nine departments and their activities*

The CESE consists of nine departments whose task is to examine questions submitted by the Board. They are at the heart of the Conseil's activity. They prepare reports and recommendations and conduct studies as requested by the Board. The institutional act of 6 September 1984 establishes the nine following departments:

- Social Affairs: demography, family welfare, public health, health care insurance, education
- Labour: employment, working conditions, vocational training, industrial relations
- Regional Development and Town and Country Planning: decentralisation, regional planning, transportation
- Living Environment: town planning and the environment, housing, cultural affairs, tourism, leisure

- Finance: money, savings, credit, taxes, corporate management and finance
- External Affairs: international affairs, foreign trade, international exchanges
- Production, Research and Technology: energy, raw materials, industrial and commercial activities, industrial and scientific research
- Food and Agriculture: farming, forestry, crop production, food processing and related trades, food consumption
- Economic Affairs: economic developments, breakdown of national income, all economic issues

In addition to these nine departments, whose areas of activity are specified by decree, article 3 of the same decree has set up a Special Commission for the Plan, consisting of the Chairman and a permanent delegation composed of department members and group representatives. Each department elects its Chairman and Vice-Chairmen at the beginning of the financial year. Each council member is a member belonging to one or two departments, which usually meet once a week. For each item on the agenda, the departments appoint a rapporteur who is in charge of writing a report, presenting it on behalf of his department and submitting the draft recommendation at a plenary session of the Conseil. Departments may also draw up and approve studies.

### **3. Mission statement**

The functions of the CESE are vast, covering all matters of topical interest on which it issues opinions and recommendations to the French authorities at the request of the government or on its own initiative.

#### *A threefold assignment*

The lawful assignment entrusted to the Conseil involves three tasks:

- making recommendations to the government and thus being instrumental in deciding the country's economic and social policy;
- encouraging a fruitful dialogue between the various socioeconomic groups;
- providing information to France's political assemblies.

To this end, the Conseil issues recommendations and draws up reports and studies that must be approved and put to the vote by representatives of socioeconomic groups. These documents reflect the recommendations of the majority of votes cast.

#### *Recommendations, reports and studies*

In accordance with France's institutional acts, the recommendations, reports and studies issued by the CESE are intended for the French authorities. The Chairman of the CESE transmits them to the President of the Republic, the Prime Minister and Parliament. In this way, the Executive and Parliament are apprised of the concerted recommendations made by the socioeconomic organizations represented in the ranks of the Conseil. It is important for the French authorities to know how representatives of such groups have freely expressed themselves within the Conseil, and the main points on which they concur or disagree. That is an essential function of the CESE, for it is a purely advisory body.

The recommendations and reports issued by the CESE are published in the Journal Officiel. The government is required to inform the CESE of the follow-up given to its recommendations.

#### *Mandatory referral*

The CESE must be consulted on all matters regarding the Plan and on acts concerning public expenditure (*lois de programme*). The Conseil must issue a recommendation for each draft project. A number of its members are involved in the drafting process. In 1984 it was decided that the government should send the CESE an annual report on the execution of the Plan. In the past, the Conseil has met to discuss preliminary drafts concerning agriculture, sporting facilities, scientific research, technology, vocational training, overseas territories and national heritage.

#### *Optional referral*

In accordance with the French Constitution, the Conseil may receive for referral any matter which falls within its competence. It may also be consulted on any economic or social project of interest to the Republic.

Whether consultation be mandatory or optional, the Prime Minister convenes the Conseil on behalf of the government. If the government requests an urgent reply, the Conseil submits its recommendation within one month.

#### *Consultation on its own initiative*

The statutory right granted to the CESE to convene on its own initiative to discuss any relevant matter is one of the original features of the institution. Thus, it may call the government's attention to those reforms which it considers necessary. The Conseil is requested to inform the government of its decision to hold a meeting of its own accord. The Conseil liberally exercises its right to convene on its own initiative and, by doing so, it can take part in a great many reforms pertaining to the country's economic and social policy.

#### **4. Experience with European-related work**

The CESE participates since 2003 in the monitoring of the Lisbon strategy, particularly by adopting every year a preparatory contribution to the report that the French government prepares for the spring European Council. In December 2005, the government recognised the participation of the ESC by granting it the permanent monitoring of the national reform program 2005-2008 (NRP). The ESC has also participated with other national ESCs of other member states to the overview reports published by the EESC in preparation of the spring summits of 2006, 2008 and 2010.

Both at the national and at the European level, the French CESE has many times asserted its commitment to a balanced approach between the economic, social and environmental aspects, even if stimulating the growth and development of firms is more than ever a priority.

In its recent work, the French CESE participates in the consultation on the "EU 2020" strategy and formulates specific proposals for substantially renovating the Lisbon strategy whose external dimension must be strengthened, its program for the EU and the latter's application by the member states reinforced and its steering and appropriation improved.



# GREECE

## Οικονομική & Κοινωνική Επιτροπή Της Ελλάδος Economic and Social Council - Greece



9 Amvrosiou Frantzi Street, GR-117 43 Athens

**Phone:** +30-210 924-95-10 or 12

**Fax:** +30-210 924-9514 15

**Email:** [sec@oke-esc.eu](mailto:sec@oke-esc.eu) / [ipr@oke-esc.eu](mailto:ipr@oke-esc.eu)

**Website:** <http://www.oke-esc.eu>

### 1. National Legal Basis

The Greek ESC was established on 1994, based on the model of the ESC of the European Union: tripartite division of the interests represented, i.e. a division into three groups, one of employers/entrepreneurs, one of private and public sector employees, and one including the other categories, such as farmers, self employed people, local government and consumers.

In 2004, the law has been amended changing the way that Presidents are elected: until then, independent personalities were elected by the Plenary Session; now, the President is proposed by each of the three Groups, employers, employees and various professions and confirmed by the Plenary Session (on a rotation basis every three years).



As of May 2001, the Greek ESC has become a constitutionally recognised institution of the Greek state. Article 82, paragraph 3 of the Constitution provides that “The law determines the issues related to the formation, operation and competencies of the Economic and Social Council, whose mission is to conduct the social dialogue on the country’s general policy and in particular on economic and social policy guidelines, as well as to formulate opinions on government bills or MPs’ law proposals referred to it.”

## **2. Organisational Set-up**

The organizational structure of the ESC is as follows:

### *Executive Committee*

President, three Vice Presidents, and three representatives from each Group: the Employers Group, the Employees Group and the Various Professions Group.

- President: In accordance with Law 3220/04 (Government Gazette no. 15A/28.1.04) the President of the ESC is appointed from among the members of each of the three groups of the Plenary Assembly on a rotating basis. The President represents the ESC, is responsible for its actions, presides over the meetings of the Plenary Assembly and the Executive Committee, sets the agenda, taking into consideration requests made by the members, and reviews the minutes. He is elected for three years.
- Group of Employers: Each of the following appoints four members of Group A: the Hellenic Federation of Enterprises (SEV), the General Confederation of Greek Small Businesses and Trades (GSEVEE) and the National Confederation of Greek Traders (ESEE). The Hellenic Bank Association, the Panhellenic Federation of Hoteliers (POX), the Association of Greek Shipowners, and the Association of Greek Construction Companies (SATE) each appoint one member.
- Group of Employees: Eleven members of Group B are appointed by the Greek General Confederation of Labour (GSEE) and five by the Confederation of Public Servants (ADEDY), selected from various sectors.

- Group of other categories: In Group C the members are appointed as follows: a) five by the Panhellenic Confederation of Unions of Agricultural Cooperatives (PASEGES) and two by the General Confederation of Greek Agricultural Unions (GESASE); b) one self-employed professional by the Coordinating Committee of the country's Bar Associations, the Greek Medical Association, the Technical Chamber of Greece, the Economic Chamber of Greece, the Geotechnical Chamber of Greece; c) one representative of consumers; and d) three members from the Central Union of Municipalities and Communities of Greece (KEDKE).

#### *General Assembly*

The General Assembly is responsible for delivering opinions, for issuing rules relating to the organisation or operation of the ESC, and for all other matters not assigned to another body.

#### *Secretary General*

The Secretary General heads the departments of the ESC, assists the President and the other bodies, manages the departments of the ESC under the President's supervision, and is responsible for implementing the decisions that have been taken

### **3. Mission Statement**

The objective of the ESC is to promote the social dialogue and through it to formulate (if possible) mutually acceptable positions on issues of concern to society as a whole or specific social groups. The aim of the ESC is not to curb different ideological and political views, but to reach and/or highlight, by putting forward various arguments and proposals, the consensus on social and economic issues, if it exists or can be created. Through its proposals and opinions, it also seeks to maximize the social benefit or minimise any possible negative effects of decisions taken by executive and legislative powers. The ESC's activities and events in Greece include meetings and collaboration with the Greek government, meetings with foreign delegations, organisation of seminars, conferences and public debates, participation in fora, etc.

### ***National Strategic Reference Framework 2007-2013***

The ESC takes part, as it did during the third Community Support Framework, in the national committee as well as the individual committees of the eight Sectoral Programmes, the five Regional Programmes and the 12 Territorial Cooperation programmes of the National Strategic Reference Framework for the 2007-2013 period.

### ***Initiatives for the Environment***

Faced with the rapid deterioration of the environment associated with climate change which has become a day-to-day concern rather than a problem of the distant future, the ESC, desiring to express society's concerns, began in June 2007 an initiative to record and analyse environmental developments in the trilogy "Climate Change," "Spatial Planning and Urban Design," "Protection of the Environment." Widescale provision of information and the development of a debate aimed at raising the awareness of everyone concerned, from the ordinary citizen to the competent agencies, constitute the driving force behind this initiative. The ESC has already issued three own-initiative opinions on the environment, which were presented at events in Thessaloniki and Patras. The main event was held at the Athens Concert Hall.

### ***Prefectural Economic and Social Committees (PESCs)***

Institutions of social dialogue are one component of the European Social Model, particularly as it developed in the post-war period. In Greece, Prefectural Economic and Social Committees (PESCs) were set up under Law 2218/1994 ("Establishment of prefectural government, amendment of provisions on first-tier local government and the regions and other provisions"), as opinion delivering instruments in the framework of prefectural government, which is the second level of local government. At present, a number of PESCs have been created in most prefectures of the country. Their progress, along with problems regarding their operation, were recorded in meetings held beginning in 1997 on the ESC's initiative, which were attended by the leading representatives of the PESCs. PESC meetings were held in Athens on 17 May 1997, in Volos on 27 June 1998, in Samos on 9 September 1999, in Kalamata on 25 November 2000, in Ioannina on 26 January 2002, in Alexandroupoli on 5 July 2003, in Patras on 23 October 2004, in Arta on 10 December 2005, in Chania on 18 November 2006, in Bolos on 7 February 2009 and in Agrinio on 20 February 2010.

#### **4. Experience with European-related work**

The ESCs cooperate on many levels, both within the framework of the European Union and within the broader international framework, for the purpose of forming joint positions capable of influencing EU and national policies, as well as the activity of private actors in each country.

##### ***Co-operation among ESCs***

The first International Meeting of ESCs took place in France in 1989. Since then, ten more have been held, in Canada (1991), Burkina Faso (1993), Portugal (1995), Venezuela (1997), Mauritius (1999, where the Charter of the International Association of ESCs was approved), the Netherlands (2001), Algeria (2003), France (2005), China (2007) and Hungary (2009). The Greek ESC was a member of Board of Directors of the International Association of ESCs in 1999-2003. It has also been elected as a member of the Board for the period 2009-2011.

##### ***Cooperation within Europe***

Enhancement of the role of the Economic and Social Committee of the European Union (following the Treaty of Amsterdam) and the particular emphasis placed in matters of social consensus for economic and social policy are important components of the European environment of the ESC. The Greek ESC has played an important part within the European environment. In 1997 it organized the annual meetings of the Presidents and General Secretaries of the European ESCs. Since then, it has taken an active part, with interventions and proposals, in all the meetings, and has developed a very good level of cooperation with all the national ESCs.

##### ***The Euro-Mediterranean Partnership***

The Euro-Mediterranean Partnership, as a multifaceted relationship, began to develop within the framework of the European Union, beginning at the 1994 European Council in Corfu. Before that, there had been cooperation agreements with countries of the Mediterranean basin, but they were on a bilateral level. One of the basic objectives of the ESC's Euro- Mediterranean Partnership is to promote decentralized action,

i.e. the action of non-governmental agencies in planning programmes to be financed by the European Union.

In the context of this policy, it was decided to convoke the Barcelona Conference on 27-28 November 1995, with the participation of the Foreign Ministers of the EU and another 12 Mediterranean states: Egypt, Algeria, Jordan, Israel, Cyprus, Lebanon, Malta, Morocco, Palestine (referred to as “territories” in official texts), Syria, Turkey and Tunisia.

Since the Barcelona Conference, twelve summits of the ESCs and associated organisations of the Mediterranean basin have been held: Madrid (1995), Paris (1996), Casablanca (1997), Lisbon (1998), Antalya (1999), Naples (2000), Athens (2002), Malta (2003), Valencia (2004), Amman (2005), Ljubljana (2006), Athens (2007), Morocco (2008) and Alexandria (2009).

### ***Cooperation with the Countries of South East Europe***

One of the initiatives undertaken by the Greek ESC on the international level has been to hold meetings of the social partners from the countries of South East Europe. The first event was held in Thessaloniki in 1997. Following this, the ESC issued an own-initiative opinion on the subject of “Social Dialogue in South East Europe” (April 1999).

In January 2000, together with the EESC and the Royaumont Process, the ESC organised a conference entitled “Civil Society, Democratisation, Participation and the Stability Pact for South Eastern Europe” in Thessaloniki. It was followed in September 2002 by the Final Meeting on the “Thessaloniki Process” Action Plan.

In December 2006 the ESC organized in Thessaloniki, together with the European Economic and Social Committee, a Conference of the institutions for social dialogue of South East Europe entitled “The Role of Economic and Social Councils and Similar Institutions in the EU Accession Process and the Implementation of the Lisbon Strategy.” The ESC has also developed a series of bilateral contacts with the countries of South East Europe.

# HUNGARY

## Gazdasági és Szociális Tanács Economic and Social Council



Nador u. 7, H-1051 Budapest

**Phone:** + 36 1 411 6176

**Fax:** + 36 1 411 6177

**Email:** [gszt@office.mta.hu](mailto:gszt@office.mta.hu)

**Website:** <http://www.mgszt.hu/>

### 1. National legal basis

An agreement born in 2002 in the National Council of Reconciliation of Interests enabled the establishment of the Hungarian Economic and Social Council's (Council). The Council's operation is not regulated legally, but the preparation of its establishment took two years, and much of the previously gained experience from the operation of the National Council of Reconciliation of Interests was used in the planning period.<sup>1</sup> The Council was founded on August 24, 2004, with the aim of discussing national strategies as a consultative institution supporting the government with opinions, stands, proposals, and resolutions. The Council's Statutes were adopted by the plenary session held on February 25, 2005. The national strategies to be discussed by the Council include: economic, social, labour, and employment politics, social insurance and health care, as well as strategic questions of European integration. National trade

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1. The government proposed a bill on the Council in 2005, but the majority of the members of Parliament did not support it, thus the bill was withdrawn in 2006.

unions, employers' organisations, chambers, investors, civil society organisations, and representatives of science participate in the Council, constituting a professional forum independent from the government. Its independence is provided by its members' delegation process; by the Council's own rules of procedures, and by the fact that the government is not member of the Council: it is just represented by various ministries.

## **2. Organisational set-up**

### *Council members*

The Council has 43 members constituting four groups taxatively listed in the Council's Statutes. The membership either emerges of the given member's chairman role in an organisation (as in the case of the economy and employees' organisations; and former and current presidents of the Hungarian Academy of Sciences), or the member is delegated by an organisation (as in the case of the Monetary Council of the National Bank of Hungary; civil society organisations; and scholars, acknowledged researchers of the economy and society where the delegating organisations are: the Hungarian Academy of Sciences, the Hungarian Rectors' Conference, the College Directors-Generals' Conference, and the Hungarian Economic Association).

The government is not a member of the Council, but its representatives can participate in the plenary sessions, though without voting right.

### *Groups*

The members of the Council form four groups:

- 'Economy' (employers and chambers) – 18 members;
- 'Employees' organisations (representative trade unions) – 6 members;
- 'Civil organisations' (various interest groups) – 11 members;
- 'Science' (current and previous presidents of the Hungarian Academy of Sciences, representatives of Rectors' Conference etc.) – 8 members.

The 'Economy' group is made up by the nine chairpersons of the nine "nationally representative" employers' organisations present in the National Council of Reconciliation of Interests, two chairmen of the national economic chambers, and seven delegates from other economic interest representations.

The 'Employee' group consists of the chairpersons of the six "nationally representative" employees' organisations present in the National Council of Reconciliation of Interests.

In the 'Civil organisation' groups' eleven members are delegated by civil society organisations operating in various fields (the fields are listed in the Council's Statutes). The organisations were invited by the government but a more open delegation/election procedure is envisaged by the Statutes to supplant the current membership of the group of civil society organisations.

The group of 'Science' consists of the current and all living past presidents of the Hungarian Academy of Sciences, and scholars, acknowledged researchers of the economy and society.

Each of the four groups elects one speaker, who is also a co-chairman of the Council representing the given group.

The office of the President is filled by the co-chairmen of the four groups by annual rotation. The President conducts the plenary sessions and represents the Council in domestic and international relations.

The Secretariat assists and coordinates the work of the Council autonomously. Its tasks include: preparation of the Council's plenary sessions (ensure the convocation, venue and technical conditions), circulating written proposals, sound recording of the sessions and preparing memos, publicity and contacts with the press, and organising international relations.



### *Forms of cooperation*

The Council works in plenary sessions, permanent and ad hoc committees, and through written notifications.

Plenary sessions consult on topics within the competency of the Council, and they are held at least twice (practically five times) a year. They are convoked by the President upon the request of the government, or of at least half of the groups – or upon his own initiative. The agenda of the sessions are determined by the four co-chairmen. Written proposals, which provide the basis of the consultation, have to be sent out to the members 14 days prior to the planned session.

The Permanent Committee's main task is to prepare the plenary sessions, thus it conducts a preliminary discussion of the proposals, and it prepares other materials for the sessions, such as opinions and surveys on the economic and social situation. It has permanent (three appointed experts from each of the four groups, and the Secretary-General) and occasional participants (experts of the government depending on the agenda in question). The Permanent Committee's sessions are not open to the public. After the session, a memo is sent out for all participants of the plenary sessions on the Committee's opinions, stands, proposals, and tasks to be done (if any). Ad hoc committees can be set up by the plenary sessions.

### **3. Mission statement**

The task of the Council – as its Statutes stipulates – is to do a regular study of the comprehensive macro-economic and social problems affecting the economy and society, an evaluation of the condition of the economy and society, and discussion of national strategies proposed for the handling of problems explored, particularly issues of economic and social policy, development policy, policy of labour and employment, social insurance and health care, strategic issues of European integration and other strategic issues of social policy.

The Council is a consultative forum, which formulates an opinion, develops a stand, makes proposals and passes resolutions concerning its own internal issues on items figuring on the agenda.

The Council has a quorum if at least half of the members of each of the four groups are present, or two thirds of all members of the Council, but at least one member of each group is present. A resolution can be passed by the support of the simple majority of present members of each group; and it is usually accepted by an open vote, unless a secret ballot is requested by at least one quarter of the present members.

The Council is not the “second chamber” of the legislation, but an institution for social consultations. Its opinions, stands, proposals, and resolutions are not binding on the government.

#### **4. Experience with European-related work**

Since its establishment the Council has had many issues to deal with. The discussions tackling European matters are: the National Development Plan, the National Strategic Reference Framework and the connected concepts and operational programmes, the National Strategy for Sustainable Development and the Lisbon Strategy.

As Tamás Halm, the secretary general of the Hungarian Council informed me the Council is in regular connection with the European Economic and Social Council (EESC). The Hungarian Council is briefed on the work of the EESC, and memos on the EESC’s plenary sessions are sent to them as well. The EESC invites the Hungarian Council to its main events, where the Hungarian representatives have an opportunity to express their opinion. The Hungarian Council prepares materials for the EESC at the latter’s invitation. The Hungarian Council’s opinion is usually incorporated in the summary reports.



# IRELAND

## An Chomhairle Náisiúnta Eacnamaíoch agus Sóisialach National Economic and Social Council



### An Chomhairle Náisiúnta Eacnamaíoch agus Shóisialta National Economic & Social Council

National Economic and Social Council  
16 Parnell Square, IRL-Dublin

**Phone:** +353 1 814 63 00

**Fax:** +353 1 814 63 01

**Email:** [info@nesc.ie](mailto:info@nesc.ie)

**Website:** <http://www.nesc.ie/>

## 1. National legal basis

The National Economic and Social Council was established in 1973 succeeding the National Industrial Economic Council that was created in 1963. The NESC started with a clear mandate: to support and drive change in the Irish workplace by developing a strategic framework for the conduct of relations and negotiation of agreements between the government and the social partners. The Council is chaired by the Secretary General of the Department of the Taoiseach and contains representatives of trade unions, employers' associations, farmers' organizations, NGOs, key government departments and independent experts.

Since its creation the Council has been a very influential venue for the social partners to discuss the country's economic, social, and financial problems and to agree on different strategies to tackle these issues. The 1960s witnessed several attempts of national pay determination, and one decade later a series of national wage agreements were reached. In these two decades, Ireland achieved impressive economic and social

progress. At the same time, towards the end of 1970s Ireland's economy was in a difficult situation. The national approach to pay determination was abandoned in 1980. The role of the Council was redefined in the wake of the deep economic, social and political crisis of the 1980s. The social partners came together within the NESC and developed an agreed strategy to escape from the vicious cycle of real stagnation, unemployment, emigration, rising taxes and exploding debt. The Council's 1986 report, *A Strategy for Development*, formed the basis upon which a new government and the social partners negotiated the Program for National Recovery (PNR) to run from 1987 to 1990. This was the first of seven social partnership programs that have seen Ireland become a leading, and much studied, example of negotiated economic and social governance.

Following the influence of the Council's 1986 report and the success of the Program for National Recovery, the negotiation of each subsequent partnership program between the government and social partners has been preceded by a NESC report – also known as the NESC, 'Strategy' - which has identified a shared analysis of economic and social trends and the parameters within which a new program should be negotiated (NESC. 1990. 1993. 1996. 1999. 2003. 2005b).

These, 'Strategy' reports (until 2003 prepared every 3 year) are the key input to the negotiation of the partnership programs. These negotiations take place in the Department of the Taoiseach and are chaired by the Secretary General of that department, assisted by officials (including various officials from other departments).

An important characteristic of Ireland's system of social partnership has been the expansion of the organization base. In 1993, the Irish government created a new partnership body, the National Economic and Social Forum (NESF) with a focus on issues of long-term unemployment and social exclusion. Among its members along the traditional social partners, such as trade unions, employers' associations and farmers' organizations, there were representatives of the community and voluntary sector, as well as members of the Oireachtas (the Houses of the Irish Parliament). Towards the end of the 1990s, the membership of the NESC enlarged once again, and by 1997, the

community and voluntary sector gained full representation on the Council and full social partner status.

Today, since 2009 the national partnership agreements were suspended and it remains to be seen how the Irish government will define the social partnership under the Lisbon Strategy 2020.

For many years the Council has undertaken strategic and long-term analyses of Ireland's position and problems. In its early years, the NESC studied the economic and social implications of demographic change and policy challenges in education, health, social services, energy, welfare, agriculture, rural development, housing, forestry, transport, tourism and the labour market.

The Council also undertook detailed sectoral studies-on housing, agriculture and rural development, health, forestry, transport, tourism, regional policy and local development. An enduring focus has been the challenge of economic development of a small peripheral, previously agricultural, economy. In the early 1980s, the Council undertook a major review of Irish industrial policy. This led a sharper focus on achieving value for money in allocating capital grants and other supports to business. In a number of reports, the Council made a significant contribution to understanding of Ireland's experience in Europe and the challenges of the internal market and monetary union. It was a proposal from the Council, in 1990, that led to the area-based approach to long-term unemployment and social exclusion. Ireland has since been recognized as a leader in these innovative approaches to local development.

## **2. Organizational Set-up**

### ***2.1 Inner structure***

In 2007, the NESC has become a part of the National Economic and Social Development Office (NESDO). NESDO contains 3 constituent bodies:

- National Economic and Social Council (NESC);
- National Economic and Social Forum (NESF);

- National Centre for Partnership and Performance (NCPP)

Recently, in April 2010, the Department of the Taoiseach has announced the government decision to streamline the work of policy advice within the NESDO by amalgamating the three constituent bodies through absorbing the National Economic and Social Forum (NESF) and the National Centre for Partnership & Performance (NCPP) into the NESC. This decision was widely expected following the report of the Special Group on Public Service Numbers and Expenditure Programmes. The National Economic and Social Development Office (NESDO) has been established under the terms of the National Economic and Social Development Act 2006.

The new office incorporates the National Economic and Social Council (NESC) and the National Economic and Social Forum (NESF), and the National Centre for Partnership and Performance (NCPP).

## ***2.2 Membership***

The membership of the Council comprises a chairperson and a deputy chairperson, appointed by the Taoiseach and:

- Five persons nominated by agricultural and farming organisations;
- Five persons nominated by business and employers' organisations;
- Five persons nominated by the Irish Congress of Trade Unions;
- Five persons nominated by community and voluntary organisations;
- Five public servants, of whom at least one represents the Taoiseach, and one the Minister for Finance;
- Five persons possessing knowledge, experience and skills which the Taoiseach considers relevant to the functions of the Council.

Other Government Departments are granted the right of audience at Council meetings if warranted by the Council's agenda, subject to the right of the Chairperson to regulate the numbers attending.

The term of office of members is for three years. Casual vacancies are filled by the Government or by the nominating body as appropriate.

The Council regulates its own procedures and business. The Council is under the aegis of the Department of the Taoiseach, and is funded primarily through a Grant-in-Aid which is part of the overall Estimate for the Department. The Annual Accounts of the Council are audited by the Comptroller and Auditor General and laid before both Houses of the Oireachtas.

The Council is not involved in the legislative process through consultation.

### **3. Mission statement**

The functions of the National Economic and Social Council are to analyse and report to the Taoiseach on strategic issues relating to the efficient development of the economy, the achievement of social justice, and the development of a strategic framework for the conduct of relations and the negotiation of agreements between the Government and the social partners.

The Council can consider these matters either on its own initiative or at the request of the Government. It reaches its decisions through consensus, there is not voting.

The Council provides a stable forum where major economic and social interests engage in:

- Shared observation of evidence on state of Ireland's economy and society;
- Deliberation based on independent analysis;
- Problem-solving approach to meeting national challenges and implementing national priorities

The reports of the Council are submitted to the Government, and laid before each House of the Oireachtas prior to publishing.



#### **4. Experience with European related work**

The National Economic and Social Council is represented in the European Economic and Social Committee by nine high profile members coming from the largest trade unions, employers' and business associations as well as the representatives of the community and voluntary sector.

Irish Members of the EESC are highly active, and they sit in three different groups: Group I: Employers, Group II: Employees, Group III: Various Interests. One Irish member of the EESC, Mr. Attley also sits in the Lisbon Strategy Observatory.

The NESC maintains regular links with national economic and social councils of the European Union Member States.

The NESC staff members have written extensively on Ireland's social partnership agreements and the Irish economic and social model within the framework of the EU Membership. 6 reports were sent to the EESC as written contributions.

Another form of networking with European civil society networks was in the research arena. Dr. Rory O'Donnell, Director of the National Economic and Social Council of Ireland and Mr. Noel Cahill, an Economist in the NESC along with Damian Thomas have recently contributed to the European Social Observatory's publication, *After the Euro and Enlargement: Social Pacts in the EU* with their chapter on Ireland entitled "Ireland: the evolution of social pacts in the EMU era."

Another report was written by Dr. Rory O'Donnell for the European University Institute's New Modes of Governance Project (2005) on Ireland: The Emergence and Evolution of Social Pacts –Country Papers, The Case of Ireland.

# ITALY

## Consiglio Nazionale dell'Economia e del Lavoro Economic Council for the Economy and Work



Via David Lubin 2, I-00196 Roma

**Phone:** + 39 (0)6.36921

**Fax:** +39 (0)6.3613666

**Website:** <http://www.portalecnel.it>

**E-mail:** [redazioneportale@cnel.it](mailto:redazioneportale@cnel.it)

### 1. National legal basis

The Italian National Council for the Economy and Work (Consiglio Nazionale dell'Economia e del Lavoro) was established in 1957 with the Law 33/57 as a consultative organ of the government and the Chambers, following article 99 of the Republican Constitution.

The CNEL started to operate in 1958, actively contributing to the industrialization of the country with its opinions and evaluations and its power of legislative initiative. During the Seventies it started a process of adaptation and renovation that culminated in 1986 with the Law 936/86 that improved its representativeness and its action with new instruments of intervention, such as observatories and databases, on socio-economic, financial and European issues.

The action of the CNEL in the nineties closely followed the transformations of the Italian economic system: a more flexible and diversified labour force, the dynamism of local industrial districts and the small business, the new procedures of concerted action between the central and local level and the new fiscal, industrial and social policy constraints imposed by the monetary integration at the European level. With original initiatives such as the territorial pacts, indicated as a best practice by the European Commission of Jacques Delors, it improved its connections with the local contexts and their different realities of organized civil society, under the attention of the legislator since the end of the Eighties.

Along this path, a new legislative revision (L.383/2000) brought the Third sector in the CNEL that, with the process of legislative delegation to the regions and local authorities, is now entwined in a dense network of public bodies at the subnational level.

## **2. Organisational set-up**

At present, the Council is composed by 121 counsellors: 12 experts chosen among the clearest members of the economic, social and juridical culture (4 appointed by the Prime Minister and 8 by the President of the Republic), 44 representatives of public and private employees, 18 representatives of the self-employed, 37 representatives of business and 10 of the third sector, selected among the members of the Observatory on Voluntary Activities and of the Observatory on Associative Activities. The Council is appointed for a period of 5 years.

### ***2.1 Main activities and decision making process***

The CNEL produces non-binding opinions under request of the Government, the Parliament or the Regions, it evaluates the financial prospects advanced by the Ministry of Finance, examines European Community policies, appoints members of some public organizations and it may produce evaluations and studies and propose legislation on a wide range of socio-economic issues, even of European or international reach.

The pronouncements of the CNEL are valid if a majority of members is present during the decision: when consensus cannot be reached, all the positions are included

in the reports, giving details on the number and the groups of the supporters. Draft bills have to be approved by a majority of three fifths of the members before being transmitted to the government, with an explanatory document attached. Afterwards they are transmitted to the Parliament by the Prime Minister.

The CNEL can also stipulate conventions with public and private subjects to carry out inquiries to collect documentations needed for its activities and open consultations with other economic, social and trade-union organizations. Therefore, the CNEL grants CSOs the opportunity to participate in policy making both including representatives of the third sector among its members and involving them in its scientific activities.

## ***2.2 Internal organization***

The CNEL operates through the activities of various organs:

### *The Assembly*

The Assembly jointly expresses the will of the Council. It examines and approves the documents prepared by the Commissions and the issues advanced by the President. It approves, in a special session, the annual program of activity of the CNEL. It also appoints the two vice-presidents.

### *The President*

The President is selected from outside the group of the members and appointed by decree of the President of the Republic. He represents the Council and coordinates, directs and promotes its activities.

### *Board of the President*

Composed by the President and two vice-presidents, it provides the guidelines to realize the mission of the Council, its program of activities and to perform the administrative tasks of the General Secretary.

### *Committee of the Presidency*

It cooperates with the President to direct, program and coordinate the activities of the organs of the Council and drafts the annual program of activities of the CNEL.

The CNEL is organized in Committees and Commissions that are determined and established every time the council is reappointed. The Commissions instruct the issues assigned to them by the President and report to the Assembly. For the period 2005-2010, it is composed by seven commissions, 3 working groups, 3 committees and 1 observatory, besides the organs that guarantee its internal functioning. A special Commission on Information manages archives and databases on wages, labour conditions, organizations and efficiency of offices and services and it may ask public institutions information on these topics and establish inquiries and comparative studies.

The following *Commissions* have been activated:

- Economic policy and competitiveness of the productive system (I);
- Labour and industrial policies (II);
- Information (III);
- Federalism, regional development and concerted action (IV);
- Great public works and infrastructural networks, Energy policy and network services (V);
- Social and environmental policies (VI);
- International and European policies (VIII).

The following *Committees* have also been established:

- Immigration Committee;
- Socio-economic Observatory on crime;
- Committee for union representation in the public sector;
- Committee for the study of administrative action and for the evaluation of the activities of the public administration

Finally, a number of *organisms* are established by law or on the basis of inter-institutional agreements:

- National organism for the coordination of local integration policies for foreign citizens;

- National consultative committee for road safety;
- National observatory of forest market and goods;
- Commission of inquiry on work

### **3. Mission statement**

The functions of the CNEL are vast, covering all matters of topical interest on which it issues opinions and recommendations to the Italian authorities. The CNEL fulfils its consultative role providing opinions on request of the Parliament, the Government and the Regions and preparing out of its own initiative observations and proposal on legislative drafts and reports, studies and documents of analysis.

In particular, on request of the government, it expresses evaluations and proposals on the most important documents and acts of economic and social planning, including on European issues. It examines, in a dedicated session, the provisional and programmatic relation presented by the Ministry of the Budget and the Ministry of the Treasury must present to the Parliament.

Furthermore, it gives its own evaluation of the economic situation every sixth month, producing indications for the institutes in charge for the drafting of the base report. It examines, on the basis of the reports produced by the government European Community policies and their implementation and it maintains the necessary contacts with the corresponding organisms of the European Community and of the other Member States.

It participates in the production of laws containing social and economic decisions with opinions, studies and inquiries upon request of the Chambers, the Government, the Regions or the autonomous districts. On all the issues mentioned above it can formulate observations and proposals with an intervention of the Assembly at the same conditions than for its legislative initiative.

The CNEL runs the National Archive of Collective Labour Agreements and the Labour Market Data Bank and hosts the National Organism of Co-ordination of the Policy for

Immigrants Social Integration. The bureaucratic structure supporting the activity of the Council is lead by a Secretary General and divided into two Departments.

#### **4. Experience with European-related work**

The Italian CNEL actively participates in the formulation of EESC's opinions. Since 2007 it has contributed with written reports to the opinions SOC/251/2007 on "Employment of priority categories", INT/325/2007 on "Investment in Knowledge and Innovation" and INT/324/2007 on "Business potential, especially of SMEs" in the framework of the new Lisbon Strategy and hosting the EESC hearing on "Enhancing energy efficiency policies and programmes by end users" during the preparatory works of the opinion TEN/352/2009.

The CNEL has regular contacts with the EESC through the CESlink network and the International Association of Economic and Social Councils and Similar Institutions (AICESIS). At the individual level, the Italian representatives within the EESC are members or are close of organizations represented in the CNEL. Two of the current representatives of Italy in the EESC have previously been members of the CNEL.

The CNEL periodically evaluates and assess European policies, initiatives and strategy and it has monitored the evolution of the Lisbon agenda and the negotiations leading from the draft Constitution to the new Lisbon Treaty. In April 2002 the CNEL commissioned a survey on the feeling of Italian citizens towards the EU.

In December 2009 the International and European policies Commission of the CNEL has set the guidelines for its future activity, deciding that the working group dedicated to EU institutions and policies will produce reflections on the effects of the new Lisbon Treaty, on the observations and proposals concerning the new Lisbon strategy (a first consultation with social parts has taken place in November 2009) and on the EU Directive on European Work Councils. The working group on EUROMED will promote the inclusion of social parts into the project of the Union for the Mediterranean.

# LITHUANIA

## Lietuvos Respublikos trišalė taryba<sup>2</sup> Tripartite Council of the Republic of Lithuania



A.Vivulskio str. 5, LT-03221 Vilnius

**Phone:** +3705 266 42 71

**Fax:** +3705 265 18 66

**Email:** [soc@lr tt.lt](mailto:soc@lr tt.lt)

**Website:** <http://www.lr tt.lt/>

### 1. National legal basis

Tripartite Council of the Republic of Lithuania was founded by signing the Agreement on Tripartite Partnership on the 5<sup>th</sup> of May 1995. The impulse for the abovementioned agreement was the ILO convention no. 144, adopted at Geneva on 1976 and ratified on the 23<sup>rd</sup> of June 1994 by the Seimas of Lithuanian Republic. The Agreement was very brief and contained only three points:

- To solve social, economical and labour related problems on the basis of tripartite principle and to collaborate in implementing social, economical and labour related policy;
- To institute the Tripartite Council of the Republic of Lithuania and to adopt its Charter;

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2. Recently the initiative to change the name of the organisation was introduced and on 23<sup>rd</sup> of March 2010 it was upheld by Tripartite Council of the Republic of Lithuania. The proposed new name should be *Lietuvos Respublikos trišalė taryba (ekonominė socialinė taryba)* (Tripartite Council (Economic and Social Council) of the Republic of Lithuania). However in order to change the name of the Council the Seimas (Parliament) has to adopt law on amendment of Labour Code.



- Every year to sign annual tripartite agreement on the solution of social, economical and labour related problems.

Later on (from the beginning of 2003) the status of the Tripartite Council was entrenched by the Labour Code of Lithuanian Republic. Article 45 of the Labour Code lays down the national legal basis for Tripartite Council of the Republic of Lithuania. Tripartite Council comprises from commensurate number of equal members, representing: national level labour unions, organisations of employers and national government.

Functions, rights, process of formation and order of operation are to be set by the charter of Tripartite Council of the Republic of Lithuania which is approved (and subjected to change) by all three parts of the Tripartite Council. The Council also adopts the charter of the Secretariat of Tripartite Council of the Republic of Lithuania.

There is a legal obligation for every part represented at the Tripartite Council to supply it with all necessary information related to questions considered by the Council.

## **2. Organisational set-up**

According to the Charter of the Tripartite Council of the Republic of Lithuania it compounds of not more than 21 members – not more than 7 representatives of the Government of the Republic of Lithuania, 7 representatives of employers and 7 representatives of trade unions. At the moment there are 21 members of the Tripartite Council.

The chairperson of the Tripartite Council is elected for a four-month term on the agreement of all the parties and presides over the activity of the Council according to a rotation principle.

### ***2.1 Inner structure of the Tripartite Council***

The constituent bodies of the Tripartite Council are the plenary meeting, permanent and temporary commissions.

In some 3 years after the institution of the Tripartite Council it was stated that the practice to submit the Council with non-ripe drafts (especially when they even hasn't been evaluated by social partners before the very plenary meeting of the Tripartite Council) is unjustifiably frequent. Therefore it was decided to establish permanent commissions of the Tripartite Council to examine proposals made by the parties of the Council and draft laws, as much as to render their findings and suggestions to the Tripartite Council.

Around 50 people participate in the work of permanent commissions. They are not necessarily the members of the Tripartite Council, but other representatives of the social partners as much. The permanent (and temporary) commissions comprise representatives from each partner – Government, trade unions and employers' organisations – under the direction of the Tripartite Council Secretariat.

There are 4 permanent commissions of the Tripartite Council:

- the Commission for Labour Relations;
- the Commission for Incomes;
- the Commission for Employment and Social Security;
- The Commission for the Implementation of ILO Standards on Labour Relations.

The Tripartite Council establishes temporary commissions to solve individual problems or to prepare drafts as the situation requires.

## **2.2 Auxiliary bodies**

The *Secretariat of the Tripartite Council* is an auxiliary body to the Council. It is quite small – there are only 5 office workers. Also it is classed as a budgetary institution within the Ministry of Social Security and Labour. The Secretariat is financed from the state budget. Charter of the Secretariat of the Tripartite Council provides that the Secretariat shall organise the work of the Tripartite Council and its commissions and implement tasks linked with the development of social partnership in social, economic and labour spheres.

The Secretariat is led by the Secretary of the Tripartite Council which is the civil servant directly subjected and accountable to the Minister of Social Security and Labour. The Secretary shall be appointed by the Minister of Social Security and Labour on the motion of the Tripartite Council.

According to the Charter of the tripartite Council there could be established *committees for civic dialog* in order to examine certain problems and to render findings and suggestions. These committees differ from permanent and temporary commissions of the Tripartite Council: their formation is based not on equal representation of the social partners, but rather on representation on NGO's (the exact rules for delegation shall be established by the Tripartite Council). On the 23<sup>rd</sup> of March 2010 the Tripartite Council decided to approve the proposal of initiative groups from NGO's to establish these profile committees:

- Committee on Regional Development and Employment;
- Committee on Protection of Consumers Rights;
- Committee on Youth Affairs;
- Committee on Education and Science;
- Committee on Prevention of Crime and Shadow Business;
- Committee on Environment Protection and Ecological Responsibility;
- Committee on Labour Nexus;
- Committee on Safety and Health of the Employees;
- Committee on Social Dialog in the Sector of Civil Service;
- Committee on Collaboration between Tripartite Council and European Economic and Social Committee.

These committees shall be established when the Tripartite Council approves their charters and composition. Respective initiative groups from NGO's were suggested to prepare the draft charters for the abovementioned committees and to deliver them to the Tripartite Council.

### **2.3 Working Methods**

The Tripartite Council may, on its own initiative (it should be based on proposal of at least one social partner), consider draft legislation and other legal norms in the social, economic and labour market spheres and submit observations, proposals and recommendations to the Government and Seimas (Parliament). These observations, proposals and recommendations are not binding with one exception: according to the article 187 of the Labour Code to change the size of minimum wage for the Government of Lithuanian Republic it is possible only following the proposal of the Tripartite Council.

Only the plenary meeting may act on behalf of the Tripartite Council. The Council adopts decisions on a consensual basis. All undisputed proposals from Council members are recorded in the part of the minutes concerning the decision. In the event of failure to reach an agreement, differing opinions are reflected in the minutes of the session. The Council may agree to hold additional discussions on an issue, if no agreement is reached.

### **3. Mission statement**

The Tripartite Council has 3 tasks:

- To issue recommendations on draft state laws and government decrees concerning socio-economic and labour matters;
- To draw up, at the request of the government or its members or on its own initiative, studies and reports on economic and social matters falling within the remit of the social partners in the following areas: labour relations, remuneration, the economy, employment and social security, education, health etc;
- To draw up and implement the common annual and biennial programmes for collaboration between the partners, which address concrete and practical matters (such as education and training for the partners, preparation of analyses, research, consultations, methodological assistance and organisation of negotiations.)

#### **4. Experience with European-related work**

In the field of European-related work the Tripartite Council is not specifically active. It mostly involves in such kind of work by evaluating national draft legal acts as much as by evaluating other forms of implementation of *acquis communautaire* at national level.

Sometimes the Tripartite Council discusses EU draft legal acts or proposals on such acts and renders its observations to the Government or EU institutions (though usually it is being done not officially, but through the members of the Tripartite Council which at the same time are the members of European Economic and Social Committee).

On the 20<sup>th</sup> of December 2005 the Tripartite Council decided to approve the proposal of initiative to establish the permanent Commission on European Economic and Social Affairs. Unfortunately, even now there is no such commission in the structure of the Tripartite Council.

On the other hand, as it was mentioned under sub-section "auxiliary bodies", on the 23<sup>rd</sup> of March 2010 the Tripartite Council has decided to approve the proposal to establish Committee on Collaboration between Tripartite Council and European Economic and Social Committee. However the Committee is not established yet.

# LUXEMBOURG

## Conseil économique et social du Grand-Duché de Luxembourg Economic and Social Council of the Grand Duchy of Luxembourg



Centre Administratif Pierre Werner  
13, rue Erasme L-1468 Luxembourg

**Phone:** +352 43 58 51

**Fax:** +352 42 27 29

**Email :** [info@ces.public.lu](mailto:info@ces.public.lu)

**Website:** <http://www.ces.public.lu/fr/ces/index.html>

### 1. National legal basis

The Economic and Social Council (ESC) of the Grand Duchy of Luxembourg is the permanent consultative institution of the Government on matters concerning the economic and social orientation of the country. The ESC represents the central, permanent and tripartite organ of the social dialogue and the socio-professional cooperation at the national level. On its own initiative or after being asked to do so by the government, the ESC studies the economic, social and financial problems faced by the country and attempts to find consensual and viable solutions in order to guide the government in its choices. The ESC's efforts take place at an early stage, before the final arbitrage and the decisions taken by the government and the chamber of deputies.

The ESC also accompanies the European social dialogue as it is structured at the national level and ensures a structured cooperation between the Luxembourgian delegation in the supranational institutions such as the Economic and Social Committee of the Great Region and the EESC. The ESC is placed under the tutelage of the Prime

Minister and is financed through the budget of the Ministry of State. It was created by the law of 21 March 1966, modified by the law of 15 December 1986, then by the law of 15 June 2004 concerning the reform of the ESC, which constitutes its current legal basis.

## **2. Organisational set-up**

### **2.1 Members**

The ESC is made up of 39 effective members and 39 deputy ones, who then form three groups in order to reflect the socio-economic structure of the country:

- 18 employers' representatives appointed by the government after a proposal from the most representative organisations, as follows:
  - 13 company representatives;
  - 3 representatives of agriculture and viticulture;
  - 2 representatives from the liberal professions.
  
- 18 workers' representatives appointed by the government after a proposal of the most representative organisations at the national level, as follows:
  - 14 representatives of private sector workers;
  - 4 representatives of public servants or workers employed in the public sector.
  
- 3 representatives appointed directly by the government and whose competence in economic, social and financial matters is generally recognised. Generally, the members of the third group are high-ranking civil servants, experts in the fields of economics, finance and social security.

The effective and deputy members are appointed for a period of four years, which is renewable. At the end of every four-year period, the ESC is entirely renewed. The

distribution of mandates within the delegations of employers and workers is determined by a ducal regulation, on the basis of the recommendation of the ESC. It can be reconsidered during the renewal of the ESC.

The President and the two Vice-Presidents are appointed by the Duke on the basis of a proposal by the ESC for a two-year period. They are designated by the ESC following the principle of rotation between the three groups making up the ESC. The plenary Assembly proposes to the Duke the appointment of the General Secretary after a secret ballot.

## **2.2 Functioning**

### *The plenary assembly*

The plenary assembly is made up of all the effective members of the ESC. The demands made on the ESC are subjected to the plenary assembly which decides which approach to adopt, the problems that it needs to analyse and the general orientation to be given to the opinions it will formulate. The plenary assembly then creates a working group, made up of effective and/or deputy members as well as of experts in cases where this is necessary, which has the responsibility of presenting a draft notice.

A particular working group is created for every notice that must be prepared. The working group designates a President who steers the group's work and who can be assisted by one or several assistants. The latter are supported by the ESC secretariat in the formulation of a preliminary draft notice following the discussions in the working group. After preparations have been completed, a draft notice is submitted to the plenary assembly which votes on it and the adopted notice is transmitted to the Prime Minister. The ESC's notices adopted by the plenary assembly require a majority of two thirds of the ballots cast.

### *The Board*

The Board is the executive organ of the Economic and Social Council. It is made up of the President, the two Vice-Presidents and the general secretary of the ESC. The President and the Vice-Presidents are designated by the plenary assembly on the basis of



rotation between the three groups and appointed by the Duke after a proposal of the ESC for a two-year period. If necessary, the Board can decide to enlarge itself to other members of the ESC, the Economic and Social Committee of the Great Region (ESCGR) or the ESEC, especially with the aim of cooperating with the Luxembourgian delegations in the supranational socio-economic institutions of cooperation.

#### *The Secretariat*

The Secretariat is under the responsibility of the general secretary, who is responsible for organising the supervision of the ESC organs and of the working groups. It is also responsible for the administrative and budgetary management.

### **3. Mission statement**

The ESC's missions mainly consist in the following:

- the organisation of the accompaniment of the national social dialogue;
- the accompaniment of the European social dialogue as it is structured at the national level;
- advising the government on matters of supranational policy in the economic, social and financial field;
- the organisation of the cooperation with the Luxembourgian delegations which operate in the supranational consultative institutions, namely the Economic and Social Committee of the Great cross-border Region and the EESC;
- the yearly formulation, during the first quarter, of a notice on the economic, social and financial situation of the country;
- publishing a notice after being asked to do so by the government concerning the measures that the latter plans to adopt through legislation or through regulation in those fields which concern several economic sectors or professional groups or the whole of the national economy;

- formulating, when asked to do so by the government, a single and coordinated notice on all matters of general interest and on all questions on which the professional chambers have presented fundamentally divergent opinions;
- submitting, when asked to do so by the government, a notice on specific questions;
- providing, when asked to do so by the government, input on the annual update of the weighting schema of the consumption price index;
- providing, when expressly asked to do so by the government, input on the notices adopted by the tripartite coordination committee;
- accompanying, through its notices, the various stages of the formulation, by the European Union Council, of the integrated guidelines (IG) bringing together the main orientations of the broad economic policy guidelines (BEPG) and the employment guidelines (EG) in the framework of the coordination of the economic policies of the member states of the EU.

Apart from its legal missions, the ESC can study on its own initiative economic, social and financial problems of a general or specific nature whose examination it considers necessary.

#### **4. Experience with European-related work**

The institutional act which created the ESC stipulates that the general secretary also heads the secretariat of the Luxembourgian delegation in the EESC. It has also stipulated that the annual accompaniment of the BEPG is a new and obligatory mission of the ESC. The realigning of the BEPG on the Lisbon objectives and their integration, together with the EG, into the integrated growth and employment guidelines means that the ESC accompanies, at the national level and through its notices, the new integrated guidelines.

In 2008, the ESC was asked to contribute to the formulation of the national reform program in the framework of the new three-year cycle (2008-2010) of the Lisbon strategy. As a permanent institution whose aim is the cooperation and the formulation of

a consensus between the social partners, the ESC can contribute in this way to the measures aiming to reconcile competitiveness, environmental concerns and social cohesion.

The ESC believes that it is important to implement policies inspired by the Lisbon strategy, centred on knowledge and skill and allowing the emergence of a diversified production apparatus and an international specialisation of economic activity which favours the reinforcement of the potential for growth. An emphasis is put on education and training, the development of the spirit of entrepreneurship, the support to medium and small firms, the implications for the country of the Kyoto plan, the preservation of competitiveness and of purchasing power as well as the promotion of employment by means of the adoption of an approach based on the life cycle in relation to work.

# MALTA

## The Malta Council for Economic and Social Development (MCESD)



280/3 Republic Street, Valletta MT-VLT1112

**Phone:** +356 2122 3551, 2122 0178, 22003332

**Fax:** +356 2124 5026

**Email:** [mcesd@gov.mt](mailto:mcesd@gov.mt)

**Website:** <http://www.mcesd.org.mt/mcesd/home.aspx/>

### 1. National Legal Basis

The MCESD has been in existence for only nine years. It was established by an Act of Parliament (Act XV) in 2001 as a corporate body having a legal and distinct personality. The significance of the Act of Parliament (Cap.431) which established the MCESD is primarily the recognition by the state of an institution whose mission is to promote social dialogue and bring about consensus among the Social Partners and members of Civil Society on a number of national economic and social issues relating to Malta's development in that area.

### 2. Organizational Setup

The Council is made up of a Chairman appointed by the Prime Minister following consultation with the employers' and unions' represented on Council, a Deputy Chairman in the person of the Principal Permanent Secretary of the Civil Service, the Permanent

Secretaries of the Ministries of Finance, the economy and Investment (MFEI), Foreign Affairs (MFA) and Social Policy (MSOC), the Director General of the Economic Policy Division, the Governor of the Central Bank of Malta, the Presidents of the five main employers organizations namely the Malta Employers Association, the Malta Chamber of Industry, Commerce and Enterprise, the Malta Hotels and Restaurants Association and the General Retailers and Traders Union and the Secretaries General of the two largest Unions namely General Workers Union and Union Haddiema Maghqudin and the President of the Confederation of Malta Trade Unions.

Civil Society is also represented by the members of the following associations: 1. National Youth Council, 2. Malta Federation of Professional Association, 3. National Commission Persons with Disability, 4. Local Councils Association, 5. Consumers Association, 6. National Council of Women, 7. National Commission for the Promotion of Equality, 8. National Commission for the Family, 9. National Alliance of Pensioners' Organizations, 10. National Council for the Elderly

### **3. Mission Statement**

The Act of Parliament (Cap.431) which established the Malta Council for Economic and Social Development, not only articulates the Council's mission and objectives but gives the necessary framework which will enable the Council to build on solid foundations. In fact quoting from the Law, one can highlight MCESD's main functions.

1. The Council shall be a consultative and advisory body with the function to advise Government, through the Prime Minister on issues relating to sustainable economic and social development and shall be competent to:
  - a. promote social dialogue and consensus among all the social partners on issues relating to sustainable economic and social development;
  - b. propose desirable and feasible goals and targets to give effect to the strategic economic, financial and social development ob-

- jectives of the Government and to recommend measures which would further their attainment;
- c. make recommendations to Government in respect of changes in the direction or terms of economic and social policy that it may deem appropriate;
  - d. make recommendations to Government regarding the elaboration of national plans for economic and social development and the implementations thereof;
  - e. submit opinions and recommendations on matters referred to it by Government or on matters that the Council deems as having national economic and, or social relevance;
  - f. upon a request by Government, examine, assess and make recommendations regarding draft legislation related to the objectives of the Council.
2. In discharging its functions, the Council shall reconcile individual and sectoral interests in order to achieve overriding national interests, and shall have regard, inter alia, to:
- a. the attainment of the highest possible levels of sustainable employment for all at adequate rewards, with, due consideration to productivity levels;
  - b. the removal of structural constraints which impede the achievement of the overall economic and social national objectives;
  - c. the achievement of the highest possible rate of economic growth;
  - d. the fair and equitable distribution of the income and wealth of the nation;
  - e. reasonable price stability and long-term equilibrium in the balance of payments;
  - f. the social implications of economic growth, including the need to achieve social inclusion in all its perspectives particularly equality between women and men in the mainstream of development, and the protection of the environment.

3. The Council shall act on specific requests submitted to it by Government or on its own initiative."

#### **4. Experience with European-related work**

Malta was the venue for the Annual Meeting of the Presidents and Secretaries-General of the Economic and Social Councils of 22 EU Member States and of the European Economic and Social Committee (EESC) on 27-28 November 2008. The main theme of the meeting was "The Impact of Legal and Illegal Immigration to Europe on the EU Labor Markets."

The issue was evaluated in the context of the current international financial and economic crisis. The delegates from the various national Economic and Social Councils shared their views and discussed the implications of the crisis with respect to insecurity, protectionist tendencies in the economy, and xenophobia at the social level. The delegates emphasized the importance of social dialogue and agreed on the development of initiatives to ensure that the economies adapt fast enough to take advantage of the next economic upturn.

The delegates agreed on the adoption of a common approach in migration questions focusing on the adequate regulation of immigrants' working conditions and on the strict control and prevention of illegal immigration, as the EU moves towards an enlarged Schengen passport-free area.

The delegates agreed that the EU long term challenges could be summarized into three main issues:

1. Climate change;
2. The Lisbon Strategy for growth and jobs;
3. Demographic challenges.

### *The Project CLOSER TO EUROPE*

In a recent meeting held on December 12, 2009, Members of the Council received a brief from the Parliamentary Secretary Dr Chris Said about the Project CLOSER TO EUROPE which has been assigned to the MCESD and part financed by the European Union's European Social Fund. Members also discussed the draft work plan of MCESD for the year 2010.

The objectives of the Project include to:

1. Support Social Partners and Civil Society Organizations to increase their knowledge on EU and local policy developments and reach informed opinions on policy issues;
2. Encourage a more active role and wider participation in debate thus enhancing the process of social and civil dialogue in Malta and Gozo;
3. Represent a tripartite partnership and enhance decision making processes and help consolidate economic growth and social cohesion;
4. Develop an active platform where socio-economic policies are formulated and disseminated.

Under the framework of the Project, the MCESD will assist the social partners and civil society in:

1. Sharing the experience on follow-up practices;
2. Setting up a social dialogue web-site;
3. Financially supporting the joint follow-up actions of a long-term nature;
4. Raising the awareness on the importance of European social dialogue for the national industrial relations by organising seminars, conferences, training and supporting networking.

### *TRESMED3*

The Euro-Mediterranean Partnership between the European Union and the Southern and Eastern Mediterranean countries was created in 1995. In 2005, at the time of its tenth anniversary, another Euro-Mediterranean Summit was held in Barcelona, and this summit reaffirmed the need to ensure sustainable eco-



conomic growth in order to combat poverty and inequalities in the Mediterranean basin.

Another Euro-Mediterranean Summit of Economic and Social Councils and Similar Institutions held in Rabat between 14 and 16 October 2008.

TRESMED3 is a new project formed for the period of 2008-2010 adhering to the same philosophy acquired in earlier editions: to provide support for strengthening the role of the economic and social agents in decision-making processes within the Euro-Mediterranean partnership.

TRESMED 3 is set to develop three types of activities as three different ways to work in common: technical seminars, technical assistance and a particular initiative in the area of the education for the young people. The aim of TRESMED3 is to achieve the mobility of the partners, a mutual exchange of experiences in order to support economic growth and prosperity for the Euro-Mediterranean countries.

# NETHERLANDS

## Sociaal-Economische Raad Social and Economic Council



Bezuidenhoutseweg 60  
P.O. Box 90405  
NL-2509 LK The Hague

**Phone:** +31 70 3499 499

**Fax:** +31 70 3832 535

**Email:** [info@ser.nl](mailto:info@ser.nl)

**Website:** <http://www.ser.nl>

### 1. National legal basis

The 1950 Industrial Organisation Act (*Wet op de bedrijfsorganisatie*) laid down involvement of employers and employees in social and economic policy by establishing Dutch Socio Economic Council (*Sociaal-Economische Raad, SER*). Through the SER, both sides of industry (employers and employees) were given an advisory role for the Dutch government, as well as being granted administrative powers, including the option of setting up commodity and industrial boards. These boards provided a forum for employers and employees to deal with key public issues for their sector.

Nowadays, SER is the main advisory body to the Dutch government. Representing the interest of trade unions and industry, its primary function is to advise the government and the parliament on social and economic issues, with the aim of promoting:

- Balanced economic growth and sustainable development;
- The highest possible level of employment;
- A fair distribution of income.

The SER also has an administrative role. This consists of monitoring commodity and industrial boards, which perform an important role in the Dutch economy. Industrial boards are responsible for representing the interests of particular branches of industry, and are made up of employers' representatives and union representatives. In addition, the SER helps the government to enforce the Works Councils Act (Wet op de ondernemingsraden).

The basis for the SER's performance of its tasks is firmly rooted in both society and law. With respect to the first, the SER's members include representatives of the trade unions and employers' organisations as well as Crown representatives. With respect to the second, the SER's legal basis is laid down in the above mentioned Industrial Organisation Act, which defines what the SER is and what its tasks are.

This social support and legal mandate determine the SER's role in Dutch society. Although the government is not obliged to follow the SER's advice, any unanimous agreement between the employers' organisations, trade unions and Crown representatives serves as a powerful signal to government. Pursuant to the 1997 Advisory Bodies Framework Regulations, the government must issue a response to the SER's advice within three months. In this response, if the government chooses to deviate from the SER's advice, it must state the reasons for doing so.

Although established by law, the SER is not a government body and is financially independent of the government. It is funded by industry, via a mandatory tax levied by the Chamber of Commerce. The costs of law enforcement are funded by other taxation and contribution arrangements.

## **2. Organisational set-up**

The SER consists of three groups, each with 11 members, making up a total of 33 members. This tripartite composition reflects social and economic relations in the Netherlands. The first group consists of members representing employers, the second consists of members representing unions, and the third consists of independent or 'Crown' members appointed by the Government.

### **2.1 Membership**

#### *Employers' representatives*

- representatives from Confederation of Netherlands Industry and Employers (Vereniging VNO/NCW)
- representatives from Association of Small and Medium-sized Enterprises (MKB Nederland)
- representative Dutch Organization for Agriculture and Horticulture (LTO)

#### *Union representatives*

- Representatives from Federation of Netherlands Trade Unions (FNV)
- Representatives from National Federation of Christian Trade Unions in the Netherlands (CNV)
- Representative from Federation of Managerial and Professional Staff Unions (MHP)

#### *Crown members*

Crown members are independent experts. They are often university professors with a chair in Economics, Finance, Law or Sociology. They are appointed by the Crown, but are not accountable to the government. In appointing a crown member, special care is always taken to maintain a fair balance between the various fields of interest and political views in the country.

## ***2.2 Inner structure***

### *Council*

The SER is led by an executive committee, and the full Council meets on the third Friday of every month, primarily to discuss and finalize the SER's advisory reports to the Government. Prior to this stage, the reports are prepared and intensively discussed in a committee or working party. Where the SER's advice is not unanimous on all points, the difference of opinion are set out in the report. The council meetings are open to the public.

### *Committees*

The SER has set up a number of committees and working parties to carry out its tasks and prepare its advisory reports. Like the SER itself, its committees are made up of employers' representatives, union representatives, and independent experts. In principle, committees are chaired by a Crown member. The committees are in charge of preparing advisory reports regarding the following themes:

- General socio-economic policy;
- Sustainable Economic policy;
- Functioning of the Market;
- Labour market and Educational issues;
- Labour and Entrepreneurship;
- Labour conditions;
- Social security and health care;
- Pensions;
- International socioeconomic policy;
- Consumer issues;
- Governance issues and Supervision.

Some committees, known as 'Article 43 committees' in reference to Article 43 of the Industrial Organisation Act, may give their advice directly to the government. Another special committee is the Administrative Chamber, which consists of SER council members commissioned with preparing and implementing the SER's administrative tasks. Next to these 'permanent' committees (which only meet when preparing a concrete advisory report), quite often ad hoc committees are formed (to address advisory issues which e.g. fall in between the more permanent themes). SER's executive committee decides which (ad hoc or permanent) committee will work on which advisory question.

### **3. Mission statement**

As an advisory and consultative body of employers' representatives, union representatives and independent experts, the Social and Economic Council of the Netherlands (SER) aims to help create social consensus on national and international socio-economic issues. The SER advises the Dutch government and parliament on the outlines of social and economic policy and on important legislation on social and economic issues. The SER's advisory reports ideally have a dual role: to help shape cabinet policy to ensure it enjoys broad support from society and to help ensure the business sector operates in a socially responsible manner.

The SER's advice is guided by the objective of social prosperity in its widest sense. This encompasses not only material progress (i.e., increased affluence and production), but also social progress (i.e., improved welfare and social cohesion) and a high-quality environment in which to live (i.e., environmental and spatial factors).

In its work, the SER is committed to detecting and interpreting signals from society. It offers various civil society organisations the opportunity to contribute specific expertise. The SER also shares information extensively with universities and policymakers in the Netherlands and abroad, and has regular contact with parliament and the various government departments.

#### **4. Experience with European-related work**

Having a small and open economy, Netherlands is very much dependent on the latest developments on the international markets. This dependence is a reason for SER to keep following developments of international policies and give its opinion on their implications for Dutch labor market and society in general. The international policies are discussed within two themes of SER, first one being international socio-economic policy and the second, European Integration.

SER's activities on these themes results usually in great number of advisory reports, Press releases, Articles in the SER bulletin and (speeches on) symposia. A good example of such an advisory report which encompasses a lot of analysis is a study called "Europe 2020, the new Lisbon strategy" (Europa 2020, de Nieuwe Lissabon strategie). In this advisory report SER evaluates the Lisbon agenda and its ambitions for 2020. In addition it provides the government with an advice on how to implement these strategies in the Netherlands in the short run.

# POLAND

## The Tripartite Commission for Social and Economic Affairs Trójstronna Komisja do Spraw Społeczno-Gospodarczych



Social Dialogue and Partnership Department  
Ministry of Labour and Social Policy  
ul. Nowogrodzka 1/3  
PL-00-513 Warszawa

**Phone:** + 48-22 66-10-663

**Fax:** + 48-22 66-10-621

**Email:** [agata.oklinska@mpips.gov.pl](mailto:agata.oklinska@mpips.gov.pl)

**Website:** [http://www.dialog.gov.pl/komisja\\_trójstronna/](http://www.dialog.gov.pl/komisja_trójstronna/)

### 1. National legal basis

The Commission was established in 1994 based on a resolution no.7/94 of the Ministers' Council, preceded by expression on a need of its establishment in the 'Pact of the national entrepreneurship in the transformation process' from February 1993. In 2001, the rules with regard to the Commission composition, activities and organization were reaffirmed in the legal act (Ustawa o Trójstronnej Komisji do Spraw Społeczno-Gospodarczych i wojewodzkich komisjach dialogu społecznego z dnia 6 lipca 2001; publish in Dziennik Ustaw nr 100, poz. 1080 z dnia 18 września 2001). Both documents were followed in 2002 by a legal act on the Commission rules of procedure.

### 2. Organisational set-up

The organization of the Commission is based on legal act from 6 July 2001 on the Tripartite Commission for Social and Economic Affairs, and legal act no.2 from 6 March 2002 issuing the Commission rules of procedure.



The members of the Commission are representatives of government, which are appointed by Prime Minister, representatives of larger employees unions and employers associations. At the moment the representatives of government comes from the Ministries of: Economy, Labour and Social Policy, Infrastructure, Health, Finance, State Treasury, National Education, Regional Development, Internal Affairs and Administration, Science and Higher Education, Agriculture and Rural Development, and the Chancellery of the Prime Minister.

The side of employees is represented by representative national associations. It includes: national trade unions, federations of national trade unions and confederations of inter-trade unions, which have more than 300.000 members.

The side of employers is represented by representative national associations. It includes associations which bring together employers hiring over 300.000 employees and working on the national level. Each of the sides is represented by 7 members.

Re-evaluation of the Commission membership appears every 4 years. With exception of three groups mentioned above, in the Commission work there are represented also other actors with an advisory voice: Central Statistical Office, the National Bank of Poland, and representatives of local governments. In 2008 the list of advisory representatives was extended to the Council on Public Benefit Activities.

The Chairman of the Commission designated by the Prime Minister leads the works of the Commission together with the Presidium. The Presidium is composed of Commission's chairmen and vice-chairmen - the heads of every representative employees' and employers' organisation. The Presidium determines the activity program and works schedule as well as agenda of Commission's sessions. While performing its tasks, the Presidium is supported by Presidium's secretaries. Every member of the Presidium designates one secretary from the organisation.

The Commission holds plenary sessions which are held if needed, but not less often than once every two months. The members of the Commission and the Presidium may use the help of invited advisors during the session. The representatives of every

organisation as well as the governmental party may use the help of one advisor on the matter scheduled in the session's agenda.

The Commission passes the bill on the Commission's regulations, which defines detailed principles and working mode of the Commission, the Presidium and the teams as well as give the members of the Commission their rights connected with the participation in the Commission's works. Office services to the Commission are provided by its Secretariat, which is composed of the employees of the Social Dialogue and Partnership Department of Ministry of Labour and Social Policy.

By implementation of Art.11 of Act 1 of July 6<sup>th</sup>, 2001 on Tripartite Commission for Social and Economic Affairs, on March 6<sup>th</sup>, 2002 the Commission passed the Bill no.3 on creation of permanent teams: for social insurance, for labour law and collective agreements, for budget, salaries and social benefits, for economic policy and labour market, for social dialogue development; the Bill no.9 of September 9<sup>th</sup>, 2002 on creation of team for public services, the Bill no.12 of December 13<sup>th</sup>, 2002 on creation of team for co-operation with International Labour Organisation and the Bill no.25 of July 6<sup>th</sup>, 2004 on creation of team for structural funds of the European Union and on European Union issues. The teams aim is to elaborate common stands and opinions in such matters as: social insurance, labour law and collective agreements, budget, salaries and social benefits, economic policy and labour market, social dialogue development, public services co-operation with ILO, structural funds of the EU, as well as European Social Charter.

### **3. Mission statement**

The Tripartite Commission for Social and Economic Affairs being the most important national dialogue institution in Poland is a forum of social dialogue held in order to conciliate the interests of employees, the interests of employers and public welfare. The aim of Commission's activity is to achieve and maintain the social peace through:

1. Holding social dialogue in the matters of salaries and social benefits as well as other social or economic matters;

2. Examination of cases of great social or economic importance inferred by one of parties if its solution is essential in order to maintain social peace;
3. Construction of common agreements between diversified interests of employees, employers and public goods;
4. Participation in works on the project of Budgetary Act as well as acts connected with it ;
5. Realization of the Commission obligations with regard to separate legal acts including: issuing opinions on legal acts with regard to minimal and maximal salaries, amount of social support, pensions and families support

#### **4. Experience with European-related work**

According to Act of 8<sup>th</sup> October 2004 on change of the Act on Tripartite Commission for Social and Economic Affairs and voivodship social dialogue commissions and on change of other acts, employers' and employees' organisations - representative in the sense of this Act - have the right to present their opinions regarding the consultative documents of the European Union, particularly such as white books, green books, communiqués and projects of legal acts, in the field of their tasks. Therefore, a permanent consultative team for issues connected with European Union had been created within the PESK.

The European Union permanent team right for preparations of opinions on the Polish legislation which regard to the implements the EU aquis is based on the legal acts from May 1991 (on labour unions and employers associations), the legal act from July 2001 on the establishment of the Trilateral Commission, and Act of 8<sup>th</sup> October 2004 on change of the Act on Tripartite Commission for Social and Economic Affairs. The team is allowed to deliver opinions on the EU white and green papers and drafts of regulations in the area considered as relevant for employees and employers associations. The team is allowed to issue questions with regard to the European Union issues towards the Polish Government. The team is directly connected to the Commission Presidency, which improves its work coordination. The ultimate goal of the team is an improvement of the consultations with social partners in the process of formulation

and presentation of the Polish government positions on the documents discussed at the EU forum.

The PESC as a whole takes part in several activities with regard to the ESEC proceedings. The Polish Commission is participating in preparation of obligatory reports with regard to the Lisbon Strategy (with regard to its realization and future developments) in a framework of the Lisbon Strategy Observatory. Moreover, the PESC President and Secretary take part in yearly meetings of the national economic and social councils from Member States. The meetings lead to preparation of common declaration, which is later presented to the European Council.

The Polish Tripartite Commission is informed about the ESEC activities with regard to the national socio-economic commissions directly by the ESEC and information is delivered to the PESC Secretariat. Later on, the information is further forwarded to member-organizations. With exception of the ESEC, the Polish Tripartite Commission does not contact other EU institutions and is does not organize or finance separate opinion polls or questionnaires with regard to the European issues.



# PORTUGAL

## Conselho Económico e Social Economic and Social Council of Portugal



Rua João Bastos, nº 8, P-1449-016 Lisboa

**Phone:** +21 3020505

**Fax:** + 21 3020663

**Email:** [ces.portugal@ces.pt](mailto:ces.portugal@ces.pt)

**Website:** <http://www.ces.pt>

### 1. National legal basis

The Economic and Social Council (ESC) was created in 1991, inheriting the responsibilities and duties of the former National Council for Planning and the Permanent Council for Social Dialogue. The ESC is a constitutional body created by article 92 of the Portuguese Constitution, promoting consultation, concertation and participation in the economic and social domains. It is the privileged forum for social dialogue (consultation involving social partners and the government), where economic and social agents are included in the decision-making process. The citizens participate in the ESC through the consultation procedure, where Government, social partners and agents from the organised civil society are represented. The ESC is a fundamental instrument for citizen's participation in governmental activities and decisions.

The Constitution of the Portuguese Republic defines the national parliament as the competent organ to nominate the President and the composition of the ESC, as well as establishing the Council's regime of social and economic development.

The Law 108/91 (August 17) consecrated the ESC, clarifying its competences, composition, mission, and organisational set-up. According to this law, the Council is composed of six bodies: the President, the Plenary Assembly, the Permanent Committee for Social Dialogue (social dialogue and consultation involving the social partners and the government, presided by the Prime Minister), Specialised Committees, the Co-ordinating Council, and the Administrative Council. The Decree-Law 90/92 (May 21) regulated the respective Law.

## **2. Organisational set-up**

The organisational architecture of the ESC represents its two constitutionally defined parallel missions: on one hand, the ESC has a consultive function; on the other hand, it is responsible for social dialogue. Hence, the consultation is mediated by the Plenary Assembly, which produces legally mandatory opinions, optional opinions requested by the Government, Parliament or President of the Republic, and opinions by initiative of the ESC itself. The consultation mission is accomplished by the institutional participation of the most representative organisations of civil society. Among its competences, one of the most important is the public position of the ESC regarding the Major Options and the Economic and Social Development Plans, before they are approved by Government.

The composition of the Plenary Assembly is, up to a point, defined by the law itself. Government, local and regional (in the case of Madeira and Azores) authorities, family associations, the sector of state's enterprises, women's associations with generic representation, women's associations represented in the Consultative Council of the Committee for the Equality and Rights of Women, the Council for Science, Technology and Innovation and universities must be represented (28 seats); then, some entities have an inherent seat, due to their presence in Permanent Committee for Social Dialogue (12 social partners, i.e., trade unions and employers). The most representative organisations in society are present, thus allowing for a rather transversal discussion of social and economic policies. Several interests are represented, in order to promote a broader consensus, when possible. They are chosen by the ESC's President, after a public tender is launched (20 seats available). Since 1992, the following interest

groups have been included: representatives of the economic and social powers and regional structures, consumer and environmental organisations, organisations representing family agriculture and the rural world; associations representing the field of equality of opportunities for men and women; organisations representing the financial and insurance sectors; organisations representing the tourism sector; associations representing handicapped people. Lastly, the Plenary Assembly elects personalities of recognised merit in the economic and social fields (5 members).

Formally, the members are not organised into groups or categories. However, there are six groups which can be easily identified, and are recognised as such within the plenary:

- Group of Government;
- Group of employers;
- Group of workers;
- Group of representatives of regional and local governments;
- Group of different interests;
- Group of personalities of recognized merit.

These groups aggregate 28 different areas of interest, with allocated seats in the Plenary Assembly.

Social dialogue is held at the Permanent Committee for Social Dialogue, where tripartite negotiations take place, discussed by the Government, trade unions and employers (the classical social partners). The Prime Minister presides over the Committee, whose deliberations do not need the approval of the Plenary Assembly. The members have an equal status: four seats are allocated to each representative. The Prime Minister appoints the Government's representation, whereas the trade unions' seats are shared by the UGT and CGTP-IN, the largest confederations of trade unions and the employers' seats are appointed by the Confederation of the Portuguese Industry (CIP - Confederação da Indústria Portuguesa); the Confederation of Commerce and



Services of Portugal (CCP - Confederação do Comércio e Serviços de Portugal); the Confederation of Portuguese Farmers (CAP - Confederação dos Agricultores Portugueses); and by the Confederation of Portuguese Tourism (CTP - Confederação do Turismo Português). The negotiations can lead to tripartite agreements, sought in specific policies with relevant social and economic impact (State Budget, Stability and Growth Programme, etc.). The agreements can refer to a global nature or sectoral planning, and reinforce a sense of compromise among different partners, hence promoting social cohesion.

The President represents the ESC, and has a renewable mandate that lasts the duration of the parliamentary term. The Plenary Assembly includes all members of the ESC (a total of 66 members). The Specialised Committees (Specialised Committee of Social and Economic Policy and Specialised Committee of Regional Development and Physical Planning) prepare drafts and studies. The Coordinating Council assists the President, approves the budget and accounts and establishes the Plenary Assembly's agenda. The Administrative Council deals with administrative and financial matters. It is also responsible for the legality of the acts of the ESC. Finally, the Permanent Committee for Social Dialogue has a tripartite structure, encompassing the government and the social partners. This Committee is quite autonomous, with its own specific regulations. In practice, it is almost an independent body.

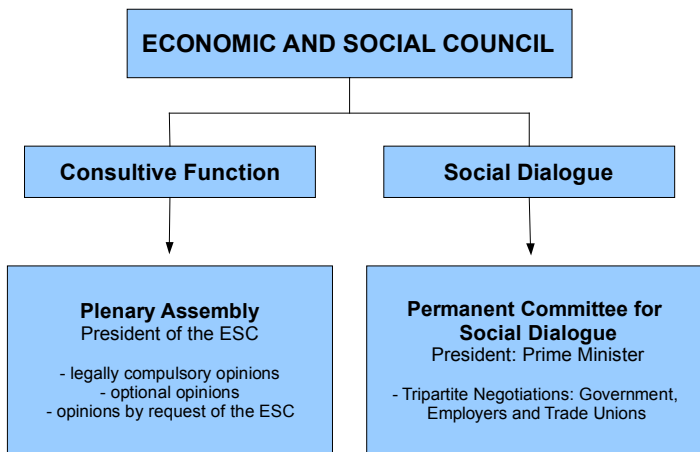
### **3. Mission statement**

Article 92 of the Constitution of the Portuguese Republic confers two sorts of missions on the ESC: The consultive mission is based on the institutional participation of the most representative organizations in society and the economy and is realized by the production of opinions on proposals or projects of legislative texts that the sovereign organs mean to adopt, or on any matters of economic and social policy, by legal imperative, on the Government's initiative or that of other sovereign organs, or on the initiative of the ESC itself.

The representatives of the several interests considered in the ESC are meant to be able to confront and discuss their opinions, with a view to edifying consensus that are as broad as possible.

The objective of the social dialogue mission is to promote social dialogue and negotiation between the Government and the classical social partners (workers' and employers' organizations) and is exercised based on tripartite negotiations between representatives of these entities, through which agreements of social dialogue are sought to be secured in specific fields of economic and social policy.

The following organizational chart synthesizes the way in which these two functions are developed:



#### 4. Experience with European-related work

The ESC has produced over the years several studies and opinions on the subject of European construction. Since its creation, the Council has participated in International Meetings of the Economic and Social Councils, following the spirit of the Paris 1989 I International Meeting. In 1996, Portugal organised the IV International Meeting. The scope was global, encompassing countries from other regions of the world. The year before, in 1995, Portugal had been host to the Yearly Meeting of Presidents and Secretaries of the Member-states Economic and Social Councils and the European Economic and Social Committee.

The ESC has also organised conferences, which later resulted in printed studies, on various European themes, such as the 2000 Agenda (1998) or the Round Table on Convergence and Cohesion (2002). The Future of Europe is a concern, manifested in a project of Plenary Assembly Opinion in 2005. It resulted in a study, after having failed to achieve the 2/3 of votes needed for a Plenary resolution. In terms of national interest, the ESC produces regular opinions on the Community support frameworks from which Portugal has benefited. In November 2007, during the Portuguese Presidency of the European Union, the ESC held a conference with the European ESC. The theme under discussion was "Political power and civil society in modern societies".

In April 2009, the ESC organised with the Council of Europe a European Conference on "Building up Social Cohesion". The event was held in collaboration with the European Social and Economic Committee, the European Commission and the Calouste Gulbenkian Foundation, and presented a truly international nature.

# ROMANIA

## Consiliul Economic si Social Economic and Social Council



28 - 30, Gh. Magheru Blvd,  
2nd floor, 1st sector, Bucharest, RO-010336

**Phone:** +40 21 310 23 56/57, 316 31 34/ 33

**Fax:** +40 21 316 31 31

**Email:** [ces@ces.ro](mailto:ces@ces.ro)

**Website:** <http://www.ces.ro>

### 1. National legal basis

The Economic and Social Council (ESC) is an autonomous tripartite public institution of national interest, established by the Romanian Government in 1997. The Law 109/1997 on the ESC organization and functioning (amended and modified in the past years) depicts the role of the Council in achieving a viable social dialogue between employers, trade unions and the Government, while also building a climate of stability and social order.

The Constitution of Romania (revised in 2003) defines the Economic and Social Council as a consultative body of the Parliament and the Government in areas established by the law (The Constitution of Romania, article 141). According to the Organization and Functioning Statute of the ESC, the Council plays an advisory role in mitigating disputes between the social partners at industry or national level, and in achieving, promoting and developing social dialogue and solidarity. It is also involved in establishing the economic, social strategy and policy of the country.

## **2. Organisational set-up**

The Economic and Social Council has a tripartite structure and comprises 45 members appointed by the social partners, as follow:

- Members appointed by mutual agreement by the employers confederations representative at the national level;
- Members appointed by mutual agreement by the trade union confederations representative at the national level;
- Members appointed by the Government.

The Economic and Social Council's members are appointed for a period of four years, however their mandate is renewable.

The Plenary Session, the Bureau, and the President form the ESC decision-making structure, while the Secretariat, headed by a General Secretary is the technical and administrative specialized machinery of the Council.

### ***2. 1 Plenary Session***

The Plenary Session is responsible for the general management of the Economic and Social Council. It meets during monthly ordinary sessions, but also in extraordinary sessions at the request of the Bureau, of the ESC president, or of at least one third of the members. The Plenary session has the following main duties:

- Elect the president based on the proposals put forward by the social partners, and submit his nomination for validation to the Parliament;
- Elect the 2 vice-presidents and the members of the bureau on the basis of proposals put forward by the social partners;
- Adopt the Status for the Organisation and Functioning of the ESC;
- Establish the structure of the permanent sections;

- Approve its own draft budget as well as the report on the budgetary execution;
- Adopt draft proposals issued by the sections;
- Draw up opinion to the draft acts, programs and strategies;
- Appoint the secretary general of the Economic and Social Council.

The Plenary Session proceedings take place in open sessions and decisions are generally adopted by the consensus rule of the social partners. When the consensus is not reached, the decisions are put to vote and adopted by a three-quarters majority of the members of the Economic and Social Council present at the meeting.

## ***2.2 Bureau***

The ESC Bureau consists of the president, two vice-presidents, each of them representing a party and additional six members, two from each social partner side. The Bureau is in charge of the ESC activity in the periods between the Plenary sessions, coordinating the activity of the sections, the secretary general and the Technical Secretariat.

## ***2.3 President***

The Parliament of Romania appoints the president of the Economic and Social Council for a term of four years on the proposal from the ESC Plenary Session. The rotation procedure for the position of President is observed for each mandate term.

## **3. Mission statement**

The Economic and Social Council operates either at the request of the legislative bodies (Government, Parliament) or on its own initiative on matters falling within its competence. It analyses the economic and social situation of the country and makes recommendations to the Government and the Parliament, in compliance with the Law, mainly on the following aspects:

- Restructuring and development of the national economy;

- Privatisation, functioning and increase of the competitiveness of the economic operators;
- Labour relations and wage policy;
- Social and health protection;
- Education, research and culture;
- Monetary, financial, fiscal and income policies.

In appliance to its advisory function on settling matters, the Economic and Social Council is mainly competent in:

- Analysing and issuing opinions to draft government decisions, ordinances and bills to be submitted for adoption to the Parliament;
- Analysing and issuing opinions to draft programs and strategies not embodied into acts, previous to their adoption;
- Informing the Government and the Parliament on the emergence of economic and social events that call for new regulations;
- Analysing the causes of disputes at national or branch level and working-out proposal for their settlement in the national interest;
- Elaborating analyses and studies on the economic and social realities at the request of the Government, of the Parliament or on its own initiative;
- Elaborating and assisting the implementation of strategies, programs, methodologies and standards in the field of the social dialogue;
- Monitoring the implementation of duties following from the Convention 144/1976 of the International Labour Organization on tripartite consultations.

#### **4. Experience with European-related work**

The Economic and Social Council has 15 members in the European Economic and Social Committee (EESC), coming from the most important Romanian business and labour confederations, as well as from non-governmental organizations.

Members of the Romanian ESC are constantly participating in events related to the activity of the EESC, such as conference, workshops (e.g. 'An EU Road Map for a Sustainable Economic and Social Recovery', 18-19 March, 2010, Brussels – a conference aimed at tackling the current economic crisis problems, The Biennial Conference: 'Entrepreneurship with a human face', 8-9 September 2008, Athens, Greece – where Romania was represented by the vice-president of the Council, Mr. Florian Costache; Employment for all ages: what *role* can the European *Social Fund* play?, 25-26 September 2008, Le Havre, France – where Mr. Ion Albu represented the Romanian ESC), joint projects (TRESMED 3, a Euro-Meditarranian partnership on the promotion of political dialogue, and cooperation in economic, social, cultural and educational terms), bilateral partnerships or twinning projects (e.g. Matra-flex, a project financed by the Dutch Government on building capacity of the social partners in Romania on accessing and using the European Social Funds).

Furthermore, before integration the Romanian ESC and EESC established the so-called Consultative Committees EU-Romania, a working body encompassing both members of the ESC and EESC with the main objective of promoting social dialogue and cooperation between the above mentioned institutions. The activity of the mixed committees was materialized through various working meetings, both in Brussels and Bucharest, tackling various issues related to European integration in areas like agriculture, environmental protection, public administration reform, small and medium enterprises, etc.

As of 2006, Romania participated through the ESC in the so-called Mixed Horizontal Groups, a structure formed by members of all national ESC and EESC in order to improve the role of social partners in promoting economic development and increasing the labour force participation rates.

The Economic and Social Council is also a founder member of the International Association of Economic and Social Councils and Similar Institutions (AICESIS), an international association for developing social dialogue and participatory governance worldwide. Romania took part in various events organized as part of this framework aiming for broader cooperation and development of social partners.





# SLOVAKIA

## Hospodársky a sociálny výbor Slovenskej Republiky (HSV SR) Council for Economic and Social Partnership of the Slovak Republic



c/o Ján Lipianský, Secretary  
Gorkého 9, SK-816 03 Bratislava

**Phone:** + 421 2 5443 3846

**Email:** [lipiansky@sopk.sk](mailto:lipiansky@sopk.sk)

**Website:** <http://www.hsvsr.sk>

### 1. National Legal Basis

The Hospodársky a sociálny výbor Slovenskej republiky (HSV SR) was established in October 2005 as a joint association of legal entities that function in various areas of economic and social life within the civil society of the Slovak Republic.

In March 2008 the HSV SR signed a memorandum of cooperation with the Slovak government with the intent to further develop and reinforce the social dialogue between Slovak civil society and the Slovak government. The basis for their cooperation will be assumed through meetings, exchange of experiences and best practices, sharing of information and communication of mutual positions on specific issues discussed at the European Economic and Social Committee and the Council of Europe. The coordinating role of their cooperation is assumed by vice-premier of the government of the Slovak republic and the Secretary of the HSV SR.

## **2. Organisational Structure**

In its structure the HSV SR copies the structure of the EESC in Brussels. It is composed of three membership groups: Group I - representing the Slovak employers, Group II - representing the employees while Group III - comprises a diverse set of interest groups from civil society.

### **2.1 Inner structure**

According to Article VII of the HSV SR Statutes, the four main organs of the HSV SR are the plenary session, the executive, the Control/ Review Commission, and the Secretary. Representatives of the main organs are elected for two years through formal electoral rules and procedures set out by the Committee and approved in the Plenary session.

*Plenary Sessions* are held at least once a year, though extraordinary plenary sessions can be called upon. Two representatives per member organisation in the HSV SR can participate in a Plenary Session though only one can vote in its proceedings.

The *Control/ Review Commission* is the control organ of the Committee comprising of three members (one from each of the member Groupings). Its duties include ensuring the realisation of HSC SR's statutes, financial management, preparation of HSV's performance and activities review, issuing of recommendations on areas in need of improvement. The Commission meets at least once a year.

Members of the executive and the Control/ Review Commission terminate their mandate at the end of each electoral period, in the case of the termination of their membership in the HSV SR, in the case of recall by the Plenary or due to personal decision to step down from their position. The Secretary is appointed by the executive; s/he performs technical and organisational duties in line with the realisation of HSV SR's aims and objectives.

The *Executive* organ, consisting of nine members manages HSV SR's activities between the Plenary Sessions while the latter and the HSV SR's Secretary in turn oversee

the executive's activities. Its competences include the management and coordination of the Committee's activities, approval of the annual plan of action, preparation of the budget and reports on its activities during plenary session, convenes the plenary session, registers new members and recommends proposals for nominations to the EESC. The executive meets at least twice a year.

HSV SR is autonomously financed. It generates its revenue from annual membership fees in the amount of 350 EUR (each), from grants and state subsidies specifically designated for HSV SR's activities as well as from other sources. All financial resources are managed from one account and are used solely for the realisation of HSV SR's activities. The Committee's annual budget as well as HSV's annual reports are submitted to the Committee by the Executive Secretary for approval.

## **2.2 Membership**

Members of the HSV SR can be legal persons with registered residence in the Slovak Republic and which represent employer, employee groups and other interest groups in civil society. Membership in the HSV SR is split into two groups: i) the founding members (signatories to the original HSV SR statute or interested candidates approved by the Plenary) and ii) ordinary members.

In 2005 the four founding members of the HSV SR included:

### *Group I - Employers:*

- Slovak Chamber of Commerce and Industry (Slovenská obchodná a priemyselná komora – SOPK)
- Federation of Employers' Associations of the Slovak Republic (Asociácia Zamestnávateľských Zväzov a Združení Slovenskej republiky - AZZZ SR)

### *Group II - Employees:*

- Federation of Trade Unions of the Slovak Republic (Konfederácia odborových zväzov Slovenskej republiky – KOZ SR)

*Group III - Other interest groups from civil society:*

- Slovak Conference of Rectors (Slovenská rektorská konferencia )

Members of the Employers' Group are appointed by representative associations of employers with cross-sectoral representation and at least 75 000 employees or 500 member subjects in at least five regions of the Slovak Republic. Subjects linked to public administration are not considered. The Federation of Employers' Associations of the Slovak Republic (Asociácie Zamestnávateľských Zväzov a Združení Slovenskej republiky - AZZZ SR) is one of the largest employers' associations with 235,000 members.

Similarly as for employers' organisations, members of the Employees' Group are nominated by representative associations of trade unions representing at least 75 000 employees with cross-sectoral representation in at least five regions of the Slovak Republic.

Representatives of the Group 'other interest groups in civil society' are nominated by representative associations and institutions whose activities are carried out predominantly on a national level in a given field, which are accredited by the European Union and which has been in operation for at least three years.

### **3. Mission statement**

The principal mission of the Committee is to contribute to the continuous strengthening of cooperation and social dialogue between social partners and civil society organisations in the Slovak Republic with the aim to increase mutual trust and understanding while improving the pluralist and participatory democracy model in the Slovak Republic.

According to Article 3 of HSV SR's Statute, the Committee's principal activities include the following:

- Promotion and the realisation of goals and benchmarks set out by the European Economic and Social Committee within the respective existing conditions in the Slovak Republic permit - and as a member of the European Union;
- Consolidation of positions and recommendation of nominations for representatives from individual socio-economic groups and submitting them to the respective state organs and institutions of the Slovak Republic and European Union ;
- Coordination of the Slovak delegation and its individual members to the EESC with respect to questions on socio-economic groupings ;
- Preparation and submission of proposals for the nomination of candidates who will represent the three HSV Groups at the EESC;
- Cooperation with the National Assembly of the Slovak Republic, Government of the Slovak Republic and with other state organs and public administration departments.

#### **4. Experience with European-related work**

Slovak social partners are represented by nine delegates at the EESC. One of the delegates is appointed and acts as the Secretary of the Slovak delegation, while another is appointed as the Vice Secretary. The selection of representatives is overseen by the Slovak Ministry of Social Affairs which drafts the list of candidates while the Government nominates and finalises their approval in consultation with the Slovak Economic and Social Partnership Council.

In principle HSV SR members' policy positions on respective issues ought to be represented in the EESC. However, due to past complications in nomination procedures, representation of the members from the three groups was incomplete. This made the transmission of Slovak HSV members' positions at the EESC more difficult. However, the (2006-2010) government with whom the HSV SR has reached a memorandum of cooperation has approved all nominations submitted by HSV's individual members. It is thus foreseen that the newly approved candidates will cooperate much more closely with the HSV SR and better represent its members' positions at the EESC.

Up to date and apart from a joint statement issued by the Hungarian and Slovak members of the EESC in 2008 concerning the “deterioration of political relations between their two countries and a pledge to step up their activities to counter this negative trend”, according to the EESC Annual Activities reports, none of the Slovak members at the EESC have contributed formal opinions or positions on issues discussed by the Council.

In spite of this lack of initiative, individual members are nonetheless active at the European level within their own individual domains and their respective pan-European networks. At the national level, the delegate organisations also inform their own subsidiary members as well as the general public via their websites, press conferences and mass media.

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# SLOVENIA

## Ekonomsko-socialni svet Economic and Social Council



Gregorčičeva ulica 20  
SI-1000 Ljubljana

**Phone:** + 386 478 1537

**Fax:** + 386 1 478 1607

**Email:** [ess@gov.si](mailto:ess@gov.si)

**Webpage:** [http://www.gsv.gov.si/en/economic\\_and\\_social\\_council/](http://www.gsv.gov.si/en/economic_and_social_council/)

### 1. National legal bases

The Economic and Social Council was established by social partners (the Government of Republic of Slovenia, employer's associations and trade unions) with the first tripartite agreement on Income Policy in 1994. It is the main body of social partnership in Slovenia. The Council's working procedures are governed by statutory "Rules of Procedure of the Economic and Social Council" adopted in 1994.



## **2. Organisation set-up**

### ***2.1 Membership***

Each of the categories of social partner and the government can have up to eight members, and alternate members, within the ESC. At present, the employee associations group has eight members and the employers group and the government each have seven members, which means that the ESC is currently made up of 22 members, and their alternates.

The Government is represented by five ministers (the ministers for employment, family and social affairs; finance; the economy; the public sector; and development), the director of the Institute of Macroeconomic Analysis and Development and a representative from the prime minister's office.

The employee associations group for the most part is made up of the chairs of the trade union confederations while the employers group is made up of the presidents and other members of the boards of various chambers and associations.

Members of other organisations, although not officially represented on the Council, also play an active role in the work of the ESC when issues concerning their particular areas of interest are being discussed.

Each of the categories of social partner has its own chairperson, and a deputy, appointed for a term of office of one year. The members of a group can agree to subdivide this into shorter periods. The trade union confederations have so far made use of this option enabling each of the four confederations representing employees' interests in the ESC to hold the chair for a three-month period. With a greater number of trade union confederations participating as members of the ESC, they will probably opt for a different approach. The members of the employers' group have taken it in turn to act as chair for the group and they will almost certainly continue to do so in future.

## ***2.2 Working methods***

The ESC usually meets in plenary session, with meetings held either at the request of one of the groups of social partners or at least once a month. The ESC president (or the deputy) convenes and chairs the sessions. As a rule, sessions are held in a regular fashion; however, in certain cases, the social partners can forward their opinions electronically, especially when formal consensus on a particular issue is being sought.

The ESC can also set up standing and temporary working groups to deal with individual projects or to handle the technical groundwork leading up to decisions. These working groups are made up of representatives of the social partners and independent experts.

The ESC's specialist administration is run by the government, more specifically by its secretariat-general, which also ensures that suitable working conditions and any necessary technical support are provided.

The funds for running the ESC are provided by the government out of the budget.

The ESC produces opinions, position papers, proposals and recommendations on the various issues it deals with. These are submitted to the relevant ministry, the government, parliament and/or other institutions concerned. The decisions of the ESC are binding on the organisations and working bodies of all three partners.

Decisions in the ESC are taken by unanimity, with each of the social partners and the government carrying one vote. If consensus or unanimity cannot be achieved amongst the partners even after negotiation, the ESC may not formally adopt a common position on the issue. If consensus is not reached amongst the members of one of the social partners' groups, that group will engage in separate negotiations to endeavour to reach a consensus.

The ESC's sessions are open to the public and always enjoy good media coverage.

### **3. Mission statement**

The ESC was founded as the main consultative and coordinative institution for social dialogue in Slovenia. Its activities include preparation of legislation and other official documents such as social pacts or national wage agreements. Additionally, the Council also adopts formal opinions and statements on issues relevant to the ESC: industrial relations, wage policy and social protection, employment issues and working conditions, collective bargaining, prices and taxes, economic and growth policies or any other matter affecting workers, employers or government policies.

One of the main roles of the ESC is also negotiations on social pacts and until recently also on central wage policy agreements. After 1994, social partners signed five social agreements which are fundamental documents for joined and individual actions of social partners on economic and social issues. The social agreements covered broad area of social and economic issues such as employment and unemployment policies, income and tax policies, social protection and working conditions. The first agreements were signed in 1995 and 1996. The next social pact was signed in 2003 for period of 3 years. The most difficult issues on which negotiating partners had to find a consensus were taxation and income policy. However, all three sides managed to secure their interest. Trade unions were demanding tax exemptions for the lowest incomes while employer increase of the threshold for taxable income. They also agreed that the national minimum wage will be managed by special law agreed among social partners and that pay growth will be one percent point the rate of productivity growth. The accord included 15 different areas among them were tax policy, public finances, competitiveness and reconstructing, education and training, social dialogue, pay policy, health and safety, employment, social exclusion, pension, healthcare, work life-balance, equal opportunities, housing and legal security (EIRO online).

Moreover, the accord also included an agreement on common economic and social policy goals for the 2003 and 2005 period. The aim was to increase competitiveness of the Slovenian economy and the social and legal protection of Slovene citizens. They agreed that these goals will be reached by establishing specific conditions. The first condition is sustainable economic development facilitated by cooperation between

social partners on securing moderate and stimulating income policy. The condition is social security provided by high employment, just wage policy, active employment programmes and family and housing policy. The second condition is strong legal security guaranteed by good quality legislation, efficient legal protection and implementation of collective agreements (EIRO online)

According to EIRO online the agreement was generally accepted as positive step further by all three signatories. Trade unions and employers agreed that the accord will provide social peace for the period between 2003 and 2005 which was also needed at the time when Slovenia was preparing itself to become a member of the European Union in May 2004.

Pay policy was again the most divisive issues in negotiation for the next social pact for the period between 2007 and 2009 that was signed after 18 months of talks in 2007. Additionally to the part on income policy the accord contains further 18 chapters. Among them were control of inflation, public finances, social dialogue, tax policy, economic competitiveness, employment and the labour market, health care and work safety. Although, according to the EIRO report some trade unions leader saw the accords more as a manifesto than an agreement, they were satisfied that collective wage bargaining system was preserved despite demands of employers for its decentralization. (EIRO online)

In addition, the ESC also examines and gives opinions of the Budget Memorandum and the State Budget. It also discusses strategic development papers proposed by the government such as Slovenian's development strategy and the draft on economic and social reforms to increase international competitiveness of the national economy.

The ESC issues formal opinions, position papers and recommendations. They are forward to the relevant ministry, the government and parliament. Although the decisions are binding for the institutions represented in the Council according to the ESC statutory there are no legal sanctions for not following the opinion of the ESC.

The ESC decisions are taken unanimously. Each of the three social partners has one vote. If social partners fail to reach a consensus even after negotiation, the ESC can not adopt a formal common position on the discussed issue. In case of differences in opinions, these are reported in the adopted document. The ESC sessions are open for the public.

#### **4. Experience with European-related work**

In addition to other tasks, the ESC also coordinates relations with International Labour Organization, Council of Europe and similar institutions in the European Union and its member states. The Council is also consulted on any European matter of importance for workers, employers or the government. For example, it was consulted on the reform for the implementation of the Lisbon Strategy and on the yearly reports on the implementation of the Strategy. Moreover, the ESC examines draft legislation related to transposition of the European directives on social, economic and labour issues.

# SPAIN

## Consejo Economico y Social de Espana Economic and Social Council



Calle Huertas 73 – E-28014 Madrid

**Phone:** + 34 91 429 00 18

**Fax:** + 34 91 429 42 57

**Email:** [webmaster@ces.es](mailto:webmaster@ces.es)

**Webpage:** <http://www.ces.es/index.jsp>

### 1. National Legal Basis and General Overview

Article 131.2 of the 1978 Spanish Constitution provides the Constitutional basis for the Economic and Social Council (CES). The Law 21/1991 of 18 June designs and regulates its functions and attributions. The preamble of this Law states that the CES enhances the participation of the economic and social agents in the economic and social life, reasserting their role in the development of the Social and Democratic State. But at the same time that the CES fulfils this constitutional mandate it also serves as permanent platform of dialogue and deliberation.

The Council's opinions are not binding on the government. Opinions are drawn up by the Plenary Council or the Standing Committee, where appropriate, when the former delegates the function to the latter. These opinions are issued in individual documents setting out the relevant background and the Council's judgement and conclusions, with the Secretary-General's signature and the President's endorsement, plus any dissenting opinions. The commissioning body is informed as soon as the Council has drawn up an opinion on a matter referred to it.

The Council also draws up surveys and reports at the request of the government or members thereof, or on its own initiative, on the fields covered by its remit in the context of the economic and social interest of workers and employees. A decision to draw up a report or survey on the Council's initiative is taken by the Plenary Council at the instigation of the President, of the Standing Committee, of one of the Council's three Groups or of eleven Council members, through the Standing Committee.

## **2. Organisational Set Up**

The CES consists of 61 members, appointed by the government, and which may be categorised as follows:

### *The President*

Twenty Members, making up the First Group, designated by the most representative trade unions, in proportion to their membership, as provided in Art. 6.2 and 7.1 of the Organic Law 11/1985 of 2 August on the freedom to join a trade union.

Twenty Members, making up the Second Group, designated by the most representative employers' organizations, in proportion to their membership, as provided in the sixth additional provision of the Law 8/1980 of 10 March on the Workers' Statute, in the revised wording established by the Law 32/1984 of 2 August.

Twenty Members, making up the Third Group, fourteen of which are proposed respectively by the following organisations and associations:

- Three by the professional farming associations;
- Three by the fishermen's associations;
- Four by the Council of Consumers and Users;
- Four by the associations of cooperatives and worker-owned companies, on behalf of the social economy.

Six experts, also belonging to the Third Group, are appointed by the central government and proposed jointly by the Labour and Social Affairs and Finance and Treasury Ministers, after consultation with the organisations represented on the Council.

#### *The Plenary Council*

It is composed by all the Councillors, chaired by the President assisted by the Secretary General. It meets in ordinary session at least once a month, and in extraordinary session whenever the President convenes it, on his/her own initiative by decision of the Standing Committee, or in response to a reasoned request from at least twenty Councillors.

#### *The Standing Committee*

It is chaired by the President and assisted by the Secretary General. The Standing Committee is made up of six representatives of the First Group, six representatives of the Second Group and six of the Third Group, appointed by and from the members of the Plenary Council, at the suggestion of each of the Groups. The Standing Committee meets in ordinary session at least once a month, and may be convened extraordinarily by the President, on his own initiative or at the request of six of its members, as often as may be necessary.

#### *The Working Committees*

They elaborate studies, reports and opinions at the request of the Plenary Council or the Standing Committee. The Permanent Working Groups are the following:

- Economy and Taxation;
- Single European Market, Regional Development and Development Cooperation;
- Labour Relations, Employment and Social Security;
- Health, Consumer Policy, Social Affairs, Education and Culture;
- Farming and Fishing Policy;
- Sectoral Policies and Environment;



- Working Group for the elaboration of the Annual Memory on the Socio-Economic Situation.

#### *The President*

He is appointed by the national government on a joint proposal by the ministers for labour and social affairs and for economic and financial affairs, after prior consultation of the representative groups in the Council and provided that he/she has the support of at least two thirds of the Council's members.

#### *The Vice-Presidents*

The CES has two vice-presidents elected by the plenary assembly on a proposal by and from among the members of Group One and Group Two respectively. The Vice-Presidents carry out the duties expressly assigned to them by the President and stand in for him/her in the event that the post is vacant or the President is unable to attend or ill.

#### *The Secretary-General*

He/She is appointed and dismissed by the government on a joint proposal by the ministers of labour and social affairs and economic and financial affairs, after prior consultation of the representative groups in the Council and provided that he/she has the support of at least two thirds of the Council's members.

The Council operates with funds allocated to it in Spain's national budget.

### **3. Mission Statement**

The CES has the following six general functions:

- Issuing opinions, on a mandatory basis, on bills drawn up by central government and draft legislative royal decrees regulating socio-economic and employment matters, and also on draft royal decrees that the government considers of particular importance in regulating these fields;

- Issuing opinions, also on a mandatory basis, on bills or plans for government measures that affect the Council's organisation, functions or operation; on the dismissal of the Council's President or Secretary-General, and any other matters which, by express provision of law, must be referred to the Council;
- Issuing opinions on issues referred to the Council, on an optional basis, by the Spanish government
- Drawing up, at the request of the government, or on the Council's initiative, surveys and reports relating to the following issues in the context of the socio-economic interests of management and labour: the economy and taxation; labour relations, employment and social security; social affairs; agriculture and fisheries; education and culture; health and consumption; the environment; transport and communications; industry and energy; housing; regional development; the single European market, and cooperation for development;
- Regulating its own organisational system and internal procedure;
- Drawing up and submitting to the government, in the first five months of each year, a report assessing Spain's socio-economic and employment situation.

#### **4. Experience with European-related work**

The CES pays great attention to the European related developments in its area of action. One of its seven Permanent Working Groups specifically deals with the problems and challenges arising from the European Common Market. Equally, the rest of the Permanent Working Groups, such as those dealing with Employment and Social Security or Farming and Fishing Policy heavily depend on what it is decided at the EU level.

The CES also faces the necessity to deal with EU related work in the development of its advisory role as most of its opinions affect bills drawn up by the central government in the implementation of EU legislation. Also some of its reports directly deal with EU matters. At this respect its last report with date of October 2009, is named "The Challenges of the Internal European Market".



**Part II:**  
**EU Member states with no Economic Social Council**



# CYPRUS

## **1. Why is there no ESC in Cyprus?**

Cyprus does not boast a strong civil society tradition. It is a new EU member state. It is customary that a European state have an ESC as part of their pre-accession process, e.g. Bulgaria, Czech Republic, Slovakia and Slovenia. However, during the run-up to the Cypriot EU accession process, the debate in the country was dominated by the issue of the island's division and the 2004 Annan Plan referendum. As a result, the establishment of an ESC was sidelined.

The current economic crisis has triggered an emerging discussion on the establishment of an ESC in Cyprus. Although the debate is still in its early stages, the potential is there for the foundation of such an organisation.

## **2. The organisation of Government dialogue with civil society**

There is no formal procedure for consulting Civil Society Organisations in Cyprus. This is reflected on Civil Society as a whole as well as specific CSO's dealing with EU issues. Very powerful institutions in Cyprus include the President, the Army political parties and the Church. NGOs appear to generate much less trust by the public compared to these institutions.

The external environment towards Civil Society is favourable including for example a legal framework that safeguards basic rights and civil liberties such as freedom of speech, expression and association. However, the problem in Cyprus is the weak implementation of laws.

Civil Society in Cyprus can be described as weak in terms of structure and moderate in terms of impact. There is a wider sentiment of distrust towards this type of organisations in Cyprus, a reflection of the traditionally overwhelming influence of political

parties, and the minimal coverage received in the local media. Cypriot CSOs lack the necessary capacity and tools required to improve their outreach capacity.

The Cypriot model of government consultation with CSOs can be characterised as close to the 'Southern' model. Most of the CSOs orient their action towards public statements. They do not necessarily provide policy recommendations but aim towards raising awareness and promoting debate.

Civil Society Institutions in Cyprus are relatively novel. The majority of them have been established within the last 15- 20 years. Among the oldest are the European Institute of Cyprus (1996) and Research Unit in Behaviour and Social Issues (1996). Most others were established after 2000, including IKME –the Socio-political Studies Institute (2002), The Larnaka District Development Agency (ANETEA) (2003), the European social Forum of Cyprus (ESFC) (also 2003) and the Centre for the Advancement of Research and Development in Educational Technology (2004).

The main domains of activities of CSOs include political issues, development, education, science, culture and art, employment and health and social protection. CSOs in Cyprus are largely information-based. They organise a number of publications, events, seminars, lectures, conferences in order to disseminate ideas and raise public awareness. The content of these events is highly academic and targets already informed individuals. It is less oriented towards policy practitioners or civil servants and to an even lesser extent to a wider public.

Cyprus does not boast a long standing tradition of Civil Society. This can be explained partly by the strength of other institutions, such as political parties and high degrees of politicisation and corruption. The proliferation of CSOs in the past 15-20 years can be attributed to the following factors:

- EU accession negotiations since the early 1990's;
- Pressures for conciliation by both EU and international organizations.

### **3. Experience with European-related work**

Cypriot CSOs are weak and their prime objective is to educate the public and promote civic awareness of European issues.

#### **3.1 Ranking [from 1 to 5] of the areas in which the action of these networks or platforms are the most important [1=the most important; 5=the less important]**

- Agriculture and fisheries (5)
- Consumer issues (5)
- Economic, financial and monetary issues (4)
- Education, science, culture and art (1)
- Employment (3)
- Environmental issues (5)
- European Citizenship (4)
- Gender equality (5)
- Health and social protection (3)
- Human rights (4)
- Industry (4)
- Liberal professions (5)
- Political issues (3)
- Religious issues (5)
- SME (5)
- Development (4)
- Territorial interests (5)
- Trade-Unions (5)
- Youth (4)
- Others



### **3.2 List of the most important CSOs [platforms or networks] involved in European issues**

- European Institute of Cyprus (Ευρωπαϊκό Ινστιτούτο Κύπρου);
- European social Forum of Cyprus (ESFC);
- Centre for the Advancement of Research and Development in Educational Technology;
- Research Unit in Behaviour and Social Issues;
- Larnaka District Development Agency (ANETEA);
- IKME -Socio-political Studies Institute.

The above CSOs are predominantly lobby-oriented as they make recommendations. However, there is no systematic mechanism with which to influence the policy-making process and as a result the direct influence of their lobbying is limited.

Consultation with citizens (or public opinion) occurs in a very informal manner through the organisation of a number of publications, events, seminars, lectures, conferences in order to disseminate ideas and raise public awareness of EU issues.

# DENMARK

## 1. Why is there no ESC in Denmark?

The absence of the national ESC in Denmark may be caused by several reasons. First of all, civil society in Denmark has quite different form than in the rest of the Member States. Civil society is granted quite huge powers do act and decide on matters relating them or in which they have an interest. Government and public society have the same general targets, however, the ways of achieving these targets are quite different. Whereas the Government implements the most of its tasks by obligatory enactments, the civil society organisations act through their own mechanisms, having received funds from the state budget. Talking about the Danish civil society, it must be noted, that at least one-third of the Danish adult population defines itself as volunteers in formal organizations representing more than 100,000 jobs. To this should be added those who contribute in more informal contexts and on a less regular basis. One half of the voluntary work takes place within sports and other cultural and spare time activities, and it seems that only one out of ten volunteers are engaged in voluntary social work. As may be seen, the primarily meaning of the civil society organisation in Denmark implies an organisation of volunteer workers.

The primarily task of the national ESC is to be a negotiary platform for employers, employees, civil society organisations and the state. As regards relations between employers and employees, Denmark was the first European country to recognize trade unions. The starting point for the modern Danish industrial relations system is the so-called September Agreement from 1899. After a major, long-lasting industrial conflict the employers and workers agreed on a more formalized cooperation based on mutual recognition and a preconditional understanding that this was to the benefit of both sides. In essence, the basic rules that were adopted in 1899 still apply<sup>3</sup>. However, collective bargaining is a process involving mainly two parts – employers and employees, and rather small role in this process is submitted to the state as the decision making part.

3. The Cooperation and Collective Bargaining System within the Public Sector in Denmark. <http://www.kto.dk/english/hjo.pdf>

Historically Denmark manages to solve the questions of employees and employers on negotiatory grounds without establishing a separate institution, as it is Tripartite Councils in other Member States. The decisions relating collective agreements are achieved without a separate body. Representative organisations enter into agreements with the government on employment and social matters. It is underpinned by basic agreements concluded by the social partners in the different sectors, which stipulate mutual recognition and enjoin the social partners to resolve cases of conflicting interests by concluding collective agreements. This means that the trade unions recognize the employers' management prerogative (i.e. the right to manage and allocate work), while respecting currently valid collective agreements and the spirit of co-operation, and that the employers respect the right of employees to organise and to establish collective representation.

To sum up, due to the long-ago established practice in negotiation between social partners there is no need for any new platform. On questions relating submitting consultations on legislative matters, there are such bodies (established by the Government) as the Growth Forum<sup>4</sup> under the Government of Denmark, as well the Growth Council<sup>5</sup>, the Economic Council and the Environmental Economic Council<sup>6</sup>. These forums/bodies function as advisory bodies.

## **2. The organisation of Government dialogue with civil society**

In Denmark, there are no formal general requirements to ask the opinion of civil society or its institutions in the legislative procedure. In this sense, the public institution decides itself whether it needs participation of civil society organisations/academic society/interest groups and may form a consultative body under the institution. As examples of such case the Growth Council, the Economic Council, the Environmental Economic Council may be mentioned.

There is another way of civil society participation in public decision making – that is submitting proposals or protests on their own initiative. This method is quite broadly

4. [http://www.stm.dk/Index/mainstart.asp/\\_a\\_2932.html](http://www.stm.dk/Index/mainstart.asp/_a_2932.html)

5. <http://www.danmarksvaekstraad.dk>

6. <http://www.dors.dk/sw3018.asp>

used by civil society organisations acting in particular fields of interests, for example, environmental matters.

As a third way of civil society consultation procedure may be named the tripartite negotiations on labour matters. However, in this case the role of the state is very small, and the negotiations are held mainly between organisations of employers and employees.

### **3. Experience with European-related work**

The overall attitude of Danish society towards the European Union may be reflected by the several facts. Overall, Danes have at times had a reputation as “reluctant” Europeans. Denmark does not use euro as its currency; Denmark does not have a national ESC; besides, when Denmark rejected ratification of the Maastricht Treaty on June 2, 1992, the country put the European Community’s (EC) plans for the European Union on hold. In December 1992, the rest of the EC agreed to exempt Denmark from certain aspects of the European Union, including a common defence, a common currency, EU citizenship, and certain aspects of legal cooperation. On this revised basis, a clear majority of Danes approved continued participation in the EU in a second referendum on May 18, 1993, and again in a referendum on the Amsterdam Treaty on May 28, 1998.

However, there are several fields that the Danish civil society is participating within the European Union policies, namely, the fields of the interests of the Danes themselves, i.e. environmental protection, labour relations and other matters.

#### **3.1 List of the most important CSOs [platforms or networks] involved in European issues**

- The Danish Confederation of Trade Unions;
- The Danish Confederation of Professional Associations (*Akademikernes Centralorganisation*);
- The Ecological Council (Det Økologiske Råd);

- The Danish Consumer Council (Forbrugerrådet);
- The Danish Society for Nature Conservation (Danmarks Naturfredningsforening);
- Danish Youth Council (Dansk Ungdoms Fællesråd);
- Danish Agriculture & Food Council (Landbrug & Fødevarer);
- The Green Network;
- Danish Chamber of Commerce (Dansk Erhverv);
- Confederation of Danish Employers (Dansk Arbejdsgiverforening);
- The Danish Federation of Small and Medium-Sized Enterprises (Håndværksrådet);
- Confederation of Danish Industry (Dansk Industri)

Most of these organisations are lobby-oriented. They sometimes consult citizens (or public opinion) in one way or another. In general, the biggest organisations have a comparatively long history, as trade unions, employee's organisations started their activities already in the end of the XIX century, and some of organisations, such as *Danmarks Naturfredningsforening* have a history of about 100 years.

# ESTONIA

## 1. Why is there no ESC in Estonia?

Estonia doesn't have a national economic and social committee, it's not part of national administrative tradition. Estonian Economic and Social Council (*Sotsiaalmajandusnõukogu* in Estonian) did however exist in short period of 1999-2005, created as part of exercise for the EU accession. It was established by the Government arrangement No 256 of February 16, 1999. The main function of the national ESC was to advise the government and local authorities on social and economic issues. It consisted of representatives of employers and workers (as well as representatives of the Government), no representation was foreseen for 'various interests' groups. According to the statutes the Estonian ESC was chaired by the Deputy Secretary General on Labour of the Ministry of Social Affairs while the Ministry also served as secretariat of the ESC. Meetings of national ESC were held quarterly, the last meeting took place in December 2005.

Although there is no special body for social dialogue in Estonia, the regular national tripartite consultations held since 1992 do carry some characteristics of ESCs.<sup>7</sup>

## 2. The organisation of Government dialogue with civil society

Estonia is among the few European countries which has broad strategy agreement between public sector and CSOs. The Civil Society Development Concept (EKAK in Estonian) was drafted in thorough consultation jointly. EKAK is a document that defines the mutually complementing roles of public authorities and civic initiative, principles of their cooperation and mechanisms and priorities for cooperation in shaping and implementing public policies and building up civil society in Estonia. More notably the EKAK Concept was then adopted by Riigikogu (national parliament) in December 2002. Every two years the Riigikogu organizes a public hearing on implementation of the Concept, thus providing governance for the whole process.

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7. <http://ettk.employers.ee/en/socialdialogue/tripart>.

In June 2006 the Civic Initiative Support Development Plan (KATA in Estonian) was approved. KATA serves to standardize the government's approach to nurturing civil society. Essentially it is a document that brings together information about all the activities from the development plans of the various government ministries that are connected with civil society. The plan did set five goals for years 2007-2010. One of the five goals was worded as "The public sector is consistent and efficient in involving the citizens' associations in the decision-making processes".

The law requires stakeholders to be consulted when drafting legislation; however, the law does not set requirements for the range of consultations. Consultations are typically organised by government institutions in *ad hoc* manner and vary quite a bit. Within government structure the Ministry of the Interior is in charge of policies vis-à-vis development and involvement of civil society.

Principles used in consultation are written in the Code of Good Practice on Involvement which, while not binding, is a recommended document.<sup>8</sup> It foresees three different forms of engagement:

- Informing, when information is provided on the planned resolutions and/or legislation and the drafts of strategic documents are made available;
- Consulting; when concerned interests groups and public representatives are asked for their opinions and proposals;
- Participation, which is the opportunity to participate in the development of a draft for a strategic document as part of a working group upon the invitation of the initiator.

Every ministry has a dedicated person who is in charge of contacts with CSOs. Nevertheless the setup and practice of consultation is up to the ministry and is different for different ministries. Such situation is complicating the participation for those CSOs which interact with many different ministries as they have to adapt to different setups.

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8. <http://www.valitsus.ee/?id=5603>

Some ministries have listed their key partners from CSOs whom they are consulting while drafting new policy or law. Typically these are umbrella organizations or networks of CSOs which have been in interaction with ministry in some earlier process. There are attempts to ensure representativeness of the partners (to involve both associations of big industries and SMEs, etc.). For example the Ministry of Interior has identified three CSOs as strategic partners: Network of Estonian Nonprofit Organizations, Development Centre of Volunteers and Estonian Village Movement Kodukant. Ministry of Environment is holding since 2004 a roundtable meetings with environmental CSOs to discuss relevant issues. There are 12 bigger CSOs invited but meetings are actually open for participation to any environmental CSOs. Such roundtable meetings have been held once or twice a year.

In case of some major policy processes special consultation frameworks have been created. Most recent such example was process for preparing the plan for use of EU Structural Funds for period 2007-2013. The plan consists of three Operational Programs (economy, human resources, environment) and the process of the preparation of the programs involved consultations with CSOs ('socio-economic partners' in terminology of the process). The government ministry responsible for respective Operational Program (OP) identified list of partner organizations which were part of the 2-year process. Typically the partners involved were networks of CSOs. In case of OP-environment there were 15 partners, in OP-human resources 16 partners and in OP-economy 42 partners.

### **3. Experience with European-related work**

Civil society has been most active on European issues in cases where it has been acting on its own initiative, not through consultative processes set up by the government. First of such cases was processes where civil society organised discussion around drafting of the European Constitution in 2002-2003. Launched by Open Estonia Foundation and European Movement Estonia, some 50 CSOs were participating in series of roundtables to provide input to draft text of the Constitution. In process of drafting the Estonian input to use of EU Structural Funds in 2005-2006 the Council of Environ-



mental NGOs initiated an ad-hoc network of dozen CSOs which compiled joint comments to draft documents provided by the government.

In Estonia the policy formulation processes are typically rather transparent and open for participation by CSOs. However, the comments of CSOs are rarely taken into account. With example of environmental NGOs technical comments (suggestions to improve wording and text of draft documents) are often accepted while more broad comments on policy choices are typically neglected.<sup>9</sup>

### **3.1 Ranking [from 1 to 5] of the areas in which the action of these networks or platforms are the most important [1=the most important; 5=the less important]**

- Agriculture and fisheries (3)
- Consumer issues (2)
- Economic, financial and monetary issues (2)
- Education, science, culture and art (2)
- Employment (1)
- Environmental issues (4)
- European Citizenship (1)
- Gender equality (2)
- Health and social protection (3)
- Human rights (2)
- Industry (3)
- Liberal professions (2)
- Political issues (2)
- Religious issues (1)
- SME (2)
- Development (3)
- Territorial interests (3)
- Trade-Unions (3)
- Youth (4)
- Others

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9. See for example "Public eye on the EU funds" at [http://bankwatch.org/documents/public\\_eye\\_04\\_05.pdf](http://bankwatch.org/documents/public_eye_04_05.pdf)

### **3.2 List of the ten most important CSOs [platforms or networks] involved in European issues?**

- European Movement Estonia (*Eesti Euroopa Liikumine*);
- Network of Estonian Nonprofit Organizations (*EMSL*);
- Estonian National Youth Council (*Eesti Noorteühenduste Liit*);
- Estonian Roundtable for Development Cooperation (*Arengukoostöö Ümarlaud*);
- Council of Environmental NGOs (*Eesti Keskkonnanühenduste Koda*);
- Association of Estonian Cities (*Eesti Linnade Liit*);
- Association of Municipalities of Estonia (*Eesti Maaomavalitsuste Liit*);
- Estonian Chamber of Commerce and Industry (*Eesti Kaubandus- ja Tööstuskoda*);
- Estonian Employers' Confederation (*Eesti Tööandjate Keskliit*);
- Estonian Association of SMEs (*EVEA*).

All of the 10 listed CSOs or networks are rather lobby-oriented in European issues. Some of them have permanent lobby office in Brussels (Association of Estonian Cities, Association of Municipalities of Estonia) to assist in their work European issues. All of the CSOs or networks participate in some of the pan-European networks.

Prior to national referendum on EU membership and in discussions on whether to introduce Euro many big business associations (incl. Estonian Chamber of Commerce and Industry and Estonian Employers' Confederation) actively called public to vote for membership and explaining which benefits the EU and Euro would bring. It was mostly done via advertisements and media work.

During the preparations of EU Constitutional Treaty by European Convention at 2002-2003 Estonian CSOs launched discussions among civil society organizations on the

matter and organized many public events, calling for input. European Movement Estonia was among active members of the process.

All of the CSOs listed above are young in European context as they were created after Estonia re-gained its independence in 1991. Estonian Employers' Confederation was established in 1917 and Estonian Chamber of Commerce and Industry was established in 1925 but were not existing during Soviet time (in 1940-1991). However, despite its relatively young age the Estonian civil society is considered by USAID as the strongest in the region of Central and Eastern Europe.

# GERMANY

## 1. Why is there no ESC in Germany?

Possible reasons for this situation are manifold. First, the general understanding of democracy is one that legitimacy rests within the parliamentary arena and elected representatives. An institutionalized body representing particularistic interests would counteract the democratic understanding. Nevertheless, there is a sound tradition of interest group participation in governmental policy-making. Furthermore, several laws mandate the consultation of affected individuals or interest groups on issues such as environmental assessment or urban planning. To a large extent, these arrangements focus on regional levels, rather than providing a framework at the federal level for interest group participation. Interest groups from Labour, business or "third sector" (NGOs, registered associations, clubs et cetera) can target democratic institutions (ministries, parliament) by way of lobbying.

Second, major attempts to formalize a tripartite dialogue between government and interest groups (Labour and Business) have been made in the past. None of these arrangements lasted. The first attempt was the so-called "Konzertierte Aktion" in the area of labor market policy (1967-1977). It was a voluntary agreement between employers and employees to coordinate their actions (wage bargaining), so as to cope with the economic crisis (cf. Schroeder 2003). It was abandoned after the labor unions left the voluntary association. In 1998 the new government under Gerhard Schröder initiated a so-called "bond for work" (Bündnis für Arbeit), bringing together representative of the federal government, employers and labor unions in order to reduce unemployment, create more jobs and increase the competitiveness of the German economy. Following the 2002 elections both Labour Unions and Employers Associations could not reach agreement on issues such as wage bargaining, apprenticeship et cetera. The initiative came to an end. Most crucially, all the initiatives for concerting action rested with the government and not the actors within the industrial relation.

Third, there are many advisory Councils attached to ministries, consulting the government on macro-economic issues, environment, health, consumer protection et

cetera. The members of these advisory councils are experts from the scientific and academic community, appointed by the ministries or government. This institutionalized practice of relying on expertise can be seen as a substitute for ESC

## **2. The organisation of Government dialogue with civil society**

Consultation of Civil Society Organizations (CSOs) – where it is not foreseen in law – rests mostly on flexible and informal arrangements. Organized interest groups can address state institutions (parliament and ministries) in matters of concern to them. The formal framework is provided by the rules of procedures of the ministries (Gemeinsame Geschäftsordnung der Bundesministerien, § 47(3)) and the parliament (Geschäftsordnung des Bundestages, § 70). In this regard, initiative resides with the CSOs to approach the institutions. Although the rules of procedure do not confer a binding right on CSOs to be consulted, they are usually abided by the ministries.

Parliament can also invite interested or concerned parties to committee hearings, or hold these committee hearings in public. Furthermore, individuals and interest groups can use the constitutional right to put a petition to the parliament.

Specifically on European issues, however, CSOs can address the EU institutions directly. The EU commission publishes regularly legislative initiatives or programs on its web-site, inviting interested parties to submit their views.

An explicit involvement of CSOs at the national level – either at the stage of preparing a national position for an EU Council meeting or at the implementation of EU law into national law – via consultations of the ministries is not foreseen, as it could possibly delay the transposition process or undermine the formal democratic procedure.

One possible indication of Interest group activity is the amount of registered association with parliament. The current list of registered associations with the Bundestag (16<sup>th</sup> April 2010) counts 2173 registered associations<sup>10</sup>. One can expect that in those

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10. Recent list available here: <http://www.bundestag.de/dokumente/parlamentsarchiv/sachgeb/lobbyliste/lobbylisteaktuell.pdf>

areas where CSO consultation is mandatory by law (urban planning, environmental assessment) and the EU has regulatory competencies, CSO involvement is important. This would be in the area of environmental issues (Aarhus Convention), social and employment policy (“Social Dialogue” of the EU Commission). Hence, environmental groups as well as Trade and Labour Unions and representations of employers are the most relevant CSOs. As an approximation for weighting the CSOs importance, the list of registered association of the Bundestag can be disaggregated into the different issue areas.

**Organizations by Policy Area (List of Registered Associations of the Bundestag)  
(16<sup>th</sup> April 2010)\***

<b>Policy Area</b>	<b>Number of Registered Associations</b>
Agriculture and Fisheries	56
Consumer Issues	12
Economic/Finance	162
Education/Science/Culture/Art	81
Employment	33
Environment	34
Gender	21
Health/Social Protection	90
Human Rights	15
Industry	18
Liberal Professions	02
Political Issues	11
SME	17
Development	11
Territorial Interest	n/a
Trade Unions	29
Youth	33

\* One association can be classified under several of the categories (double mentioning)

### 3. Experience with European-related work

Mostly CSO are consulted via state (ministries) and party actors (NB: members of parliament also hold memberships in CSOs) at the national level. Here direct and personal contacts are used, as well as petitions or open letters to ministers. For example on the Data Retention Directive some 44 CSOs/NGOs wrote an open letter to the minister of consumer affairs to abandon the project of data retention<sup>11</sup>.

Moreover, CSOs can directly participate in consultation conducted by the EU Commission on a broad range of issues, including technical matters but also on questions falling into the "Area of Freedom, Security and Justice".<sup>12</sup> Other mechanisms of consultation include the Legislative Assessment Procedure (Gesetzesfolgenabschätzung), whereby on issues of concern the implementing administration will consult citizens and affected/interested groups where necessary. However, the direct influence of CSOs – having a right to co-decide or influence at the pre-legislative stage a draft legislation – on government in EU matters is rather weak, because it is simply not legally mandatory for government or ministries to take CSOs views into account. However, by being consulted via the EU Commission one extra channel of participation is open to CSO. Furthermore, an involvement at all levels – EU and national – would not only be detrimental to the efficiency of decision-making, but also undermine the democratic legitimacy of a compromise reached before in the Council.

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11. [http://www.vorratsdatenspeicherung.de/images/brief\\_vorratsdatenspeicherung\\_2010-04-19\\_anonymis.pdf](http://www.vorratsdatenspeicherung.de/images/brief_vorratsdatenspeicherung_2010-04-19_anonymis.pdf)

12. [http://ec.europa.eu/justice\\_home/news/consulting\\_public/news\\_consulting\\_public\\_en.htm](http://ec.europa.eu/justice_home/news/consulting_public/news_consulting_public_en.htm)

# LATVIA

## 1. Why is there no ESC in Latvia?

On one hand, since 1996 the social partners (Employers Confederation of Latvia and Free Trade Union Confederation of Latvia) and the government of Latvia work jointly in the National Tripartite Council. Since 2004 there are 7 subcommittees of the Tripartite Council created (work affairs, social security, professional education and employment, health sector, transportation and communication sector, environment, regional development)<sup>13</sup>. On the other hand, the NGO sector is actively working with the government within the framework of the memorandum between NGOs and government. So it has been seen from the perspective of the social partners that the mechanism is running well and there are not that many overlapping issues that cannot be decided in on the the two formats. Additionally, the meetings in both formats are open to any interested party as well as there are other forms and meeting places described above where all the parties can discuss the issues.

This situation though is not accepted as optimal by all sides and there is recently a greater interest of NGOs to be involved in the work of the Tripartite council. The possibility of creating a national ESC is being debated currently. Some civil society organisations have asked for more involvement in the work of the EESC including the reconsideration of the process of the selection of the national representatives in Latvia and information exchange between the members of the EESC and civil society. On May 28, 2010 a debate was organised on how to involve wider civil society in the tripartite dialogue. The proposal from some civil society organisations is instead of widening the structure of the tripartite formal consultations, involve civil society in all issues relevant discussing specific issues.

## 2. The organisation of Government dialogue with civil society

The understanding on the role of the non-governmental organisations since Latvia regained the independence has changed considerably among both the decision-

13. <http://www.mk.gov.lv/lv/mp/vaditas-padomes/ntsp/>



makers and the organisations themselves. In 2004 the Law on Associations and Foundations was approved that facilitated the creating and work of the organisations. In 2005 the Guidelines on Strengthening the Civil Society (2005-2014) were adopted by the Cabinet of Ministers. Also several state institutions have been working in the field – the Secretariat of the minister of special assignment on integration affairs, the Society Integration Fund as well as others that have provided support to the NGOs. In 2008 Programme for Strengthening the Civil Society (2008-2012) was adopted by the Cabinet of Ministers. There are several procedures developed to consult the civil society in Latvia especially during the last years:

## **2.1 Co-operation Memorandum between CSOs and the Cabinet of Ministers**

*The Co-operation Memorandum* has been developed with the aim of facilitating operation of an efficient public administration system that meets the interests of society by ensuring involvement of the civil society in the decision-making process. The current wording includes proposals of NGOs, as well as suggestions and editorial changes by the State Chancellery. The Memorandum was signed on June 15, 2005 by the authorized representative of the Government and representatives of 57 NGOs. Currently there are 211 NGOs that have signed the memorandum.

*The Council for Implementation of the Cooperation Memorandum* between NGOs and the Cabinet of Ministers is a consultative body, and its operation is determined by Regulations of the Cabinet of Ministers “Rules of the Council for Implementation of the Cooperation Memorandum between Non-governmental Organizations and the Cabinet of Ministers”, adopted on January 10, 2006.

The aim of the Council is to promote implementation of objectives and principles of the Cooperation Memorandum between NGOs and the Cabinet of Ministers in public administration, and to facilitate operation of an efficient public administration system that meets the interests of the society by ensuring involvement of the civil society in the decision-making process at all levels and stages in public administration, thus promoting development of the civil society. The Council includes the Director of the State Chancellery, a representative of the Prime Minister’s Bureau, the State Secretaries of ministries, as well as seven authorized representatives from non-governmental

organizations that have signed the Memorandum. The Council is headed by the Director of the State Chancellery.

On February 23, 2010 changes to the Rules of Procedure of the Cabinet of Ministers have been adopted stating that a representative from the Council for Implementation of the Cooperation Memorandum between NGOs and the Cabinet of Ministers will be able to participate with advisory rights in meetings of the State Secretaries and meetings of the Committee of the Cabinet of Ministers.

## **2.2 Public involvement in the decision-making process**

During the decision-making process the civil society has different possibilities to take part. These actions can be taken either at the level of the responsible line ministry or at the level of meeting of the State Secretaries, the Committee of the Cabinet of Ministers or even the Cabinet of Ministers. There are also several steps taken to promote the transparency of the decision-making process.

- In most of the ministries consultative councils have been set up continuously participating in development of draft legal acts and policy planning documents, and giving opinions on them, e.g. Consultative council on Latvian Tourism, Consultative council on Youth affairs, Consultative council on Environment, Consultative council on Development Co-operation;
- Involvement is possible in working groups that develop draft policy planning documents or legislative acts. The list of the Working groups created by a decree of the Prime minister is available on the website of the State Chancellery;
- The NGOs can submit proposals or opinions about draft legal acts in any stage of the decision making process. The agendas of the meetings of the State Secretaries, the Committee of the Cabinet of Ministers and the Cabinet of Ministers are available on the website of the State Chancellery;
- NGOs can participate in the meetings of State Secretaries and the meetings of the Committee of the Cabinet of Ministers and publicly express their opinion. It has to be mentioned that also the meetings of the Cabinet of Ministers have

been opened to society since 2002 and every member of the civil society can participate in the meetings;

- If a civil society member wants to follow the debate of the Committee of the Cabinet of Ministers or the Cabinet of Ministers after the meeting has taken place, s/he can ask the State Chancellery for an audio version of the meeting which will be provided in the premises of the State Chancellery of by internet
- In each of the ministries there is a special person assigned for the co-operation with the NGOs. A full list is available on the website of the State Chancellery;
- The civil society can access three data bases (a data base on the state institutions, a data base on policy planning documents, a data base on the research ordered by state institutions) on the website of the State Chancellery. On the website the civil society can also follow the procedure of decision-making on legislation projects or policy planning documents.

### **2.3. Public involvement in the development planning process**

On August 25, 2009 the Cabinet of Ministers adopted Regulations on participation of civil society in the process of development planning. These Regulations state the order on how civil society should be involved in order to promote wider participation in the decision-making process of state institutions and municipalities as well as to develop the quality of the decisions taken and their relevance to the interests and needs of the society. The Regulations state forms of involvement and the way these different forms – working groups, public participation and public consultations – should be organised and how the information should be provided as well as the forms on how the results of these activities should be summarized.

It is the responsibility of the institution to look for the target groups that might be affected by the development planning and to promote their participation. The Regulations provide for a announcement form that includes information of the development planning process and the possibilities of participation. It also states where these announcements have to be published (according to the target groups affected). This

procedure does not apply if there are other specific regulations in place, e.g. in the field of environment or construction.

#### **2.4. The role of internet**

On March 6, 2007 Regulations on the Procedure on how the institutions should provide information on internet were adopted. This regulation specifies that institutions have to provide information on their co-operation with the NGOs as well as information on the working groups and councils created and how one can participate in them on internet.

On January 23, 2010 a Govcamp (an informal conference on the opportunities of usage of new media, technology and social platforms) was organised in Riga. More than 150 participants from state institutions and civil society took part. The conference was organised jointly by the state institutions and civil society. Several follow-up activities have already taken place and initiatives started in order to promote the usage of the new media, new technologies and social media as a toll for public involvement.

### **3. Experience with European-related work**

The Ministry of Foreign Affairs is a co-ordination institution on the European Union matters in Latvia. Since January 1, 2010 it is also responsible for co-ordinating the information and communication efforts by the government on the EU issues and Latvia's membership in it. Among the tasks of the Ministry of Foreign Affairs are implementation of the Management partnership in co-operation with the European Commission, maintaining of the EU information library, the co-operation with EU information points in Latvia, provision of a special website on EU issues <http://www.es.gov.lv> The information and communication issues involve also organisation of the regular European Union Week, a co-ordination of the EU related information activities with a help of a calendar on the website mentioned above. There is also a forum for the EU information providers organised annually, the last one took place on April 14, 2010 in co-operation with the European Commission Representation in Latvia and the European Parliament Information Office.

On February 3, 2009 Regulations on the development, approving and representation of the national positions of the Republic of Latvia have been adopted. These Regulations state how the NGOs are involved in this process. When these Regulations were developed a research on the involvement of NGOs in the EU decision making process (2007) were taken into account.

The responsible institution on a particular issue that is on the agenda of the EU institution has to provide information to the municipal and social partners, associations and foundations once it starts to work on a national position and on the participation possibility in its development process. This information has to be provided on the website of the responsible institution.

If possible the responsible institution has to create a working group involving municipal and social partners and NGOs. The institution also has to inform its partners on the results of the negotiations. Once submitting the national position for revision to the Cabinet of Ministers, the line ministry has to provide an information report which consists of the description of the issue, the state of decision-making process in the European Union and Latvia's opinion on it. The report is published on the website of the State Chancellery.

The issues on the agenda of the European Union are discussed regularly at the meetings of the Senior Officials on the European Union affairs. In these meeting representatives from the Latvian Association of Local and Regional Governments as well as the Employers Confederation and the Free Trade Union Confederation of Latvia represented by the secretariat of the National Tripartite council can participate in the meetings within advisory role. Every social partner, association or foundation can participate in the meetings when interested in any particular issues. Agendas of the meetings are published on the website of the Ministry of Foreign Affairs. They can also propose a discussion on a specific national position for the meeting.

# UNITED KINGDOM

## 1. Why is there no ESC in UK?

The “continental vocabulary” of social partnership is still not completely comprehensible to the British. Thus, in Britain, there is not a national Economic and Social Council or its counterpart in exact sense. In fact, when asked about the absence of such an institution, most top level bureaucrats are oblivious to the presence of economic and social councils in other European countries. This has never been an issue in British politics but, the nature of British industrial relations has long been debated in the country. The British neo-liberal model of social partnership is quite different from that of other European countries. It is based on the idea of pluralism. The pluralist-voluntarist tradition is based on a collaborative relationship between business and labour generally represented by an independent union. Unlike the German model where workers have a collective say in company decision making, the British model rests on the principle of collective bargaining in decision making.

## 2. The organisation of Government dialogue with civil society

Voluntary and community sector organizations play a significant role in the civic life in Britain. In fact, Britain has a long tradition of voluntary action and service delivery dating back to the 19th century.

Each government department seeks the views of stakeholders on different policy areas that fall within its remit. Different interests are represented by national umbrella organizations that campaign, lobby, protest and act as advocates of their members. For instance, the Association of British Insurers represents and defends the collective interest of the UK's insurance industry, whereas National Farmers' Union is the largest farming organization representing the collective interest of British farmers.

The activities of British CSOs are mostly service and lobby-oriented. They either provide certain services for their members such as gathering information on issues and

making information available (often exclusively to their members). While performing their lobbying functions, they seek to influence decision-making processes from outside by meeting Commission officials or participating in public hearings.

Public involvement in the decision making process of the British CSOs is rather limited. The public can participate in a variety of events, seminars, lectures and conferences; subscribe to the newsletters and submit comments via organizations' website.

### **3. Experience with European-related work**

Obviously, the involvement of the British CSOs in European related issues starts with the Britain's EU membership. Most of them are fairly young, established in the late 80s and early 90s.

#### **3.1 List of the most important CSOs [platforms or networks] involved in European issues**

- National Council for Voluntary Organizations;
- BOND (British Overseas NGOs for Development);
- European Alternatives Limited;
- FERN (tracking EU policies, focusing on forests);
- Parliamentary Advisory Council for Transport Safety;
- National Farmers' Union;
- The ABI (Association of British Insurers);
- British Business Bureau (BBB);
- British Retail Consortium;
- Consumer Focus.

The majority of the organizations identified above are listed as interest groups represented by Accredited Lobbyists to the European Parliament or the European Commission.

### **3.2 Ranking [from 1 to 5] of the areas in which the action of these networks or platforms are the most important [1=the most important; 5=the less important]**

- Agriculture and fisheries (2)
- Consumer issues (2)
- Economic, financial and monetary issues (4)
- Education, science, culture and art (3)
- Employment (4)
- Environmental issues (2)
- European Citizenship (5)
- Gender equality (5)
- Health and social protection (5)
- Human rights (5)
- Industry (1)
- Liberal professions (5)
- Political issues (1)
- Religious issues (5)
- SME (5)
- Development (4)
- Territorial interests (5)
- Trade-Unions (1)
- Youth (5)
- Others

Civic interests exert greater influence on EU policy-making. Civic interests refer to interests other than those of producers. Among these lobbying groups, environmental groups and human and animal rights lobbies rank highest in influence, whereas agricultural associations and industry rank only third and fourth. The British Civil Society institutions also reflect the same trends, as they are highly active in civic domain.





# SWEDEN

## 1. Why is there no ESC in Sweden?

Sweden does not have any national ESC because it is considered that a joint statement with civil society opinions from a corporatively structured organisation is not the best way to channel the CSOs opinions into the decision-making process. In Sweden, there is a tradition of a formalised consultation procedure (remissförfarande<sup>1</sup>), where each relevant CSO submits a separate opinion paper. Sweden historically had many, strong CSOs with a numerous membership basis and a long government tradition of consulting the civil society. A joint consultation forum in this context would not be adequate, also due to the question of size.

The approach of remissförfarande is believed to be a good practice in Sweden since heterogeneous organisations might have very different points of view on issues. If their opinions are merged together in a single document, it often becomes flat and not very indicative for law- and policy-makers. The remissförfarande method is occasionally criticised, e.g. by some organisations that claim that certain CSOs should not be included in this process. However, the criticism seems to be marginal.

## 2. The organisation of Government dialogue with civil society

The Swedish governance structure was in the past described as a mixture between parliamentarism and corporativism. The ruling government was rooted in the Parliament's party groups, while the CSOs, especially those that represented the interests of employees, employers and farmers, played a key role for policy-making in their respective fields. Since 1990, corporativism is considered to be over.

There is no formal regulation of lobbying, such as public registers of lobbyists, in Sweden. The opponents to regulation sustain that such measures would impede access to non-registered CSOs by giving the impression that the only way to approach the government successfully is by making use of a registered lobbyist.

The dialogue takes many forms: organisations are formally consulted on official reports and proposals; they take part in hearings and conferences; and are also involved in other ways. The type of CSO involvement varies from the creation of a specific working group to a consultative procedure called *remissförfarande*, where the interested parties are invited to comment on an issue. These procedures are described more in detail below.

## 2.1 Consultation (*remissförfarande*)

Remissförfarande - submission of documents for comments to relevant authorities and CSOs - is one of the cornerstones of the Swedish political tradition. It was established by the *Instrument of Government* in 1974 (Chapter 7, Art. 2), one of the four fundamental laws, which makes up the Swedish *Constitution* (Statsrådsberedningen 2009): "*In preparing Government business the necessary information and opinions shall be obtained from the public authorities concerned. Organisations and private persons shall be afforded an opportunity to express an opinion where necessary.*"

The Government's aim with conducting consultations is mainly to shed light on the different consequences that a proposal might have once it is implemented. Remissförfarande is also important from the democratic point of view since it is believed to promote a broad citizen engagement in the public debate. Sweden uses this method extensively, although less so in recent years. Through this consultation procedure, the government asks CSOs, which have a formal status of consultation body (*remissinstans*), for opinion in written form. In some cases, the relevant CSOs are also invited for physical meeting to discuss the Government proposal (Statsrådsberedningen 2009). Also those CSOs or individuals that have not been invited to submit their opinion can still express a so-called *spontaneous opinion* (*spontanyttrande*). The government makes no distinction between invited and spontaneous opinions when summarising the CSO contributions.

There is no rule stating at what stage of the policy process the opinions should be requested. However, in practice this is generally done by sending either a parliamentary committee report (containing recommendations on how the parliament should

decide on an issue) or a report with recommendations from a specific committee that the government has formed, out for consultation among CSOs.

## **2.2 Social and labour partners**

Historically, Sweden has a highly organised civil society that employs alternative means of active participation and of voicing its opinion. There is a strong tradition of social dialogue between partners in management and labour, without involvement of the political level or the law. The government is consulting the social partners several times a year, in preparation of the National Reform Programmes (NRPs), as well as in specific meetings with organised civil society (Official Journal of the European Union 2008). For example, as part of the preparatory work on the *Swedish Reform Programme for Growth and Employment 2008-2010*, the social partners (the Confederation of Swedish Enterprise, the Swedish Trade Union Confederation, the Swedish Confederation for Professional Employees, the Swedish Confederation of Professional Associations and the Swedish Association of Local Authorities and Regions) were consulted. The social partners have, like previous years, contributed joint submissions to the Programme, presenting, among other things, results from negotiations.

The Swedish labour market is highly organised, has a broad coverage of collective agreements and a well-developed social dialogue. The social partners traditionally resolve many issues by means of collective agreements without central government intervention in the form of legislation or involvement of government agencies. The social partners also have a central role in implementing EC directives and guidelines through arrangements in collective agreements. This is also true of autonomous agreements the partners have entered into at the European level.

Regular consultations take place between the government and the social partners on EU matters associated with employment and the labour market, as well as other issues that affect the social partners. These consultations, which take place both at the political level and with senior civil servants, provide opportunities to discuss EU issues in relation to the government's actions and national policies. For example, the government invited some 70 CSOs, the social partners, industry bodies and govern-

ment agencies for discussions on the implementation of the EU strategy for growth and jobs in Sweden, as well as on the organisations' work on Lisbon-related matters. These roundtable discussions took place on two separate occasions and a total of some 50 organisations participated.

### **2.3 New collaboration methods**

In 2008, the government signed an agreement with CSOs acting in the social field and the Swedish Association of Local Authorities and Regions (SALAR). Circa 80 CSOs were involved in discussions and collaboration to reach the agreement. The main goal of the agreement is to strengthen the role of CSOs as independent opinion makers and to support the growth of pluralism among service providers and suppliers in the health care sector. The agreement is based on six principles for collaboration between the public sector and CSOs: autonomy and independence, dialogue, quality, long-term perspective, openness and transparency, and pluralism.

It outlines the role of the CSO in the social field, their and government's responsibilities and measures on a number of issues, e.g. the improvement of information exchange and dialogue that results in a better decision-making basis. This pilot initiative will last for one year. It is considered complementary to the traditional consultation procedure (*remissförfarande*).

### **2.4 Trends**

#### ***From participants in politics to service provider***

Historically, CSO play a key role in the Swedish society. The relation between the state actors and the civil society in Sweden is quite particular compared to other countries. By tradition, there is a strong emphasis on creation of public arenas where social movements and the state power meet. Their collaboration is primarily characterised by a search for peaceful solutions in the spirit of consensus. However, in the 1990' and early 21st century, there was a shift of language and balance in the relation between the state and the civil society in Sweden.

The civil society shifted from being a key participant in the public debate and a venue for giving voice to the weaker groups in society to a welfare service provider. It moved from its position on the *input side* of the political system – where it shaped opinions and put forward strategies – to its *output side*. The government started to put a stronger emphasis on CSOs as welfare service providers mainly because of the shortcomings in the state's provision of welfare and because of the cost efficiency of CSOs, both in terms of social workers and loosely associated volunteers.

### ***From engaged members to remunerated professionals***

The civil society engagement in Sweden has remained stably high during a long period of time. The level of citizen engagement is high both in absolute terms and in comparison with other countries. However, the type of engagement has changed. The non-profit sector shows a decrease of membership, especially among women and youth. According to Statistics Sweden, in 2000, 90 percent of the Swedish population was member of non-profit organisations; the majority of these were trade union members. However, there is a trend of decreasing participation in the associational life.

Citizens are now engaging in freer and more provisional relationships with associations, movements and networks. 53 percent of men and 49 percent of women are engaged in voluntary activities, making a contribution during their free time in terms of unpaid work or work in exchange of a symbolic contribution, most of them volunteering for sport associations. In fact, there is a development towards more voluntary, untied engagement in the third sector circumventing formal membership in organisations. Membership-based, non-professional associations are replaced by service- and client-oriented organisations consisting of remunerated professionals.

### ***From corporativism to pluralism or 'lobbyism'?***

Sweden has for a long time shown corporative tendencies, e.g. the labour movement had a close relationship with the Social Democratic Party (the governing party in Sweden since the end of the Second World War with a few periods of exception). However, the traditional corporativism - where the representatives of trade unions, in-

dustry and agricultural interests were closely involved in the work of the government administration – has weakened over time.

During the past 20 years, the collaboration between the state and the large CSOs has become less intimate and less institutionalised. At the same time, the CSOs have increased in number and competition about the political arena has become tougher. Other methods to influence politics - lobbying, media contacts, opinion making – have become more prominent. Currently, there is a trend towards pluralism or 'lobbyism' in Sweden. Some scholars claim that the de-corporatisation potentially means that a greater number of CSOs will have the opportunity to influence politics in Sweden. The corporative form of close collaboration with a limited number of organizations ought to be replaced by a greater openness towards informal lobby contacts with different interest groups. Nevertheless, in practice, the participation conditions for social movement-based organizations and trade unions have worsened. They are no longer able to access corporative channels of institutionalized influence and seem to be ill equipped to influence through lobbying and opinion making. The companies and business associations seem to be the winners in this emerging context. If we consider that the social movements essentially give a voice to people with limited resources, this trend means that the political equality has suffered from the weakening of corporativism.

### ***Trends since Sweden's membership EU***

In the legislative proposal "Democracy in the new century"<sup>8</sup>, the government notes that the EU membership has led to a faster pace, more complexity and an increased workload in the policy process. This has, in some cases, increased the distance between citizens and the decision-making process. In this context, the government stresses the importance of having a broad CSO consultation in connection with the national preparation of EU issues. The CSO can play an important role as a bridge between citizens and the public sector, transferring information and opinions, as well as representing interests of different groups in society (). The Swedish EU membership did not seem to have affected the contacts between CSOs and the government negatively.

### **3. Experience with European-related work**

In EU matters, just as in other government issues, a consultation with CSO is required. This can take the shape of the traditional written consultation (*remissförfarande*) and/or in specific reference groups in EU matters. Usually, the CSOs are selected through a joint session by all the relevant government departments within the Cabinet Office.

The central unit for EU-coordination is responsible for the regulation of this procedure. Each government department keeps a list of CSOs that are invited to consultations, depending on the area of expertise. In any case, all CSOs and individuals are free to participate by sending in their opinions. Both Government Offices and government departments (ministries) coordinate their EU work with the relevant civil society organizations (CSOs) early on in the decision-making process in various policy areas. All government departments stated that they consult CSOs when preparing EU matters. The government consults CSO to facilitate the shaping of the Swedish position in the preparation for EU negotiations and to enhance the implementation of EU directives in Sweden. In government departments, the ministers bear the responsibility for consultations with CSO within their particular sphere of interest, also when it comes to EU matters.

#### **3.1 Departmental position memorandum (*ståndpunktspromemoria*)**

New legislative proposals and official notifications from the EC are handed over to the Swedish EU Representation in Brussels. The Representation forwards them to all government departments. Each government department is in charge of generating a Swedish position in EU matters within its area of responsibility. This is mainly done through so called position memoranda (*ståndpunktspromemoria*), which has to be produced at latest five weeks after a new proposal from the European Commission has been handed over to the Council in Swedish translation. The memorandum includes the following points: the legal basis and the decision-making procedure; position of Sweden and other Member States, and EU institutions; information about and analysis of the proposal. The memorandum indicates what negotiation result is desirable, what should be prioritized and where there is space for compromises. Essential-



ly, it functions as a basis for negotiation during the whole decision-making process. According to the Swedish EU Secretariat, CSOs ought to be consulted on 'important' EC proposals, either in written or through creation of reference groups. In these cases, the opinion of CSOs should be reflected in the final memorandum.

### **3.2 Departments' involvement in EC expert committees**

Some government departments have elaborated guidelines for participation in EC expert committees. For example the Environment Department nominates an administrator when the preparatory work for an expert committee starts. The administrator keeps in touch with the Swedish expert on the EC committee. In this context, there is often a need for consultation with other relevant government departments and independent authorities and an assessment of the need for consultation with CSOs is also made.

## **ANNEXES**



# Guideline for Countries with no ESC

## Question 1:

Why is there no ESC in [name of the country]?

- Is it an issue [the absence of a national ESC] that has been debated (in particular, was the possibility of creating a ESC mentioned at one time or another?
- If yes, in which circumstances?

## Question 2:

How is the consultation of civil society organised in [name of the country]? In order words, what is the logic and principles of this system?

- Please give as much information as possible

## Question 3:

Would you say that Civil society in [name of the country] is:

- Very active on European issues
- Moderately active on European issues
- Little active on European issues

## Question 4:

Regarding European issues, could you rank the importance [from 1 to 5] of the areas in which the action of civil society is the most important [1=the most important; 5=the less important]?

- Agriculture and fisheries
- Consumer issues
- Economic, financial and monetary issues
- Education, science, culture and art
- Employment

- Environmental issues
- European Citizenship
- Gender equality
- Health and social protection
- Human rights
- Industry
- Liberal professions
- Political issues
- Religious issues
- SME
- Development
- Territorial interests
- Trade-Unions
- Youth
- Others

Can you overall specify the balance between  
« economic », « social », and « civic » domain?

**Question 5:**

Could you make a list of the ten most important CSOs [platforms, networks] involved  
in European issues?

**Question 6:**

Are these organizations rather protest-oriented or lobby-oriented?

→ Please specify for the ten CSOs [*platforms, networks*]

**Question 7:**

Do these organizations consult citizens (or public opinion), in one way or an other?

- Often
- Sometimes
- Rarely
- Never

**Question 8:**

Overall, are these organizations rather young or old?

→ Please explain their historical background

**Question 9:**

Regarding European issues, how is civil society involved into the national policy process?<sup>14</sup>

- Consultation with State and Party actors
- Consultation with other established bodies
- Citizen's information (provide the citizens with necessary information to hold the government accountable and to reflect on policies and their implications)
- Public consultation (enable the citizens to interact with Government on different policy issues, to give feedback on different policy subjects prior to final decision)
- Public participation (the citizens are taking part in the decision-making process as full partners. They are involved in the policy process in all stages, from policy issue identification to implementation and evaluation)
- Others

Please explain.

---

14. Please classify the 3 most important forms of involvement (1= the most important, then 2 and 3)

**Question 10 :**

Overall, would you say that, on European issues, the **influence** of civil society on national governments institutions is rather:

- Strong
- Average
- Weak

**Question 11:**

How do civil society in [name of the country] and the EESC interact<sup>15</sup>?

- They do not interact at all
- They interact rarely
- They interact occasionally
- They interact very often
- They exchange information
- Civil society in [name of the country] is consulted by the EESC

→ If yes, please specify: rarely? Sometimes? Often?

- Civil society in [*name of the country*] and the EESC collaborate together?

→ If yes, please specify: rarely? Sometimes? Often?

---

15. Several answers possible.

# List of Country Experts



**Austria:**  
Marat Markert



**Belgium:**  
Céline Bondoux



**Bulgaria:**  
Iassen Lazarov



**Cyprus:**  
Sofia Vasilopoulou



**Czech Republic:**  
Jordanka Tomkova



**Denmark:**  
Egle Kavoliunaite



**Estonia:**  
Peep Mardiste



**Finland:**  
Céline Bondoux



**France:**  
Céline Bondoux



**Germany:**  
Marat Markert



**Greece:**  
Sofia Vasilopoulou



**Hungary:**  
Borbala Toth



**Ireland:**  
Gaye Gungor



**Italy:**  
Furio Stamati



**Latvia:**  
Linda Jakobsons



**Lithuania:**  
Egle Kavoliunaite



**Luxembourg:**  
Céline Bondoux



**Malta:**  
Gaye Gungor



**Netherlands:**  
Tijana Prokic



**Poland:**  
Patrycja Rozbicka



**Portugal:**  
Ana M. Craveiro



**Romania:**  
Flavia Jurje



**Slovakia:**  
Jordanka Tomkova



**Slovenia:**  
Grega Gostencnik



**Spain:**  
Seara Baez



**Sweden:**  
Alina Ostling

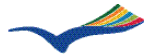


**United Kingdom:**  
Gaye Gungor





This study was funded by the European Economic and Social Committee



Education and Culture DG

Lifelong Learning Programme

The European Commission supports the EUI through the European Union budget