



# **The Economic and Social Councils of the Member States of the European Union: the different models of dialogue**



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# **The Economic and Social Councils of the Member States of the European Union: the different models of dialogue**

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The study aims to outline the most significant features of the national economic and social councils of the Member States of the European Union in the light of the doctoral thesis defended by the author at the Catholic University of Murcia (Spain).

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## BIBLIOGRAPHY

## 1. INTRODUCTION AND APPROACH TO THE SUBJECT

The economic and social councils (ESCs) are currently the most significant examples existing in democratic countries applying the rule of law of economic and social stakeholder participation in public decision-making processes. They are, without a doubt, institutions which, in addition to coming from Europe, serve with reasonable success as channels for the opinions of European society in economic and social affairs, through the groups to which the citizens belong, to yield this form of dialogue between organisations with totally opposed interests with the aim of achieving solutions, agreements or compacts where possible.

In any case, the economic and social councils, as institutions representing economic and social interests, operate in Europe with a number of organisational differences and other differences in operation or nature, which, logically, reflect different national traditions<sup>1</sup>.

That said, we would like to start by saying that in contemporary democracies after the Second World War platforms and structures grew up in the Member States which resulted in the multiple organisations making up the social fabric, with the emergence of what the literature commonly terms neo-corporatism<sup>2</sup>. This is a particularly sensitive development in socioeconomic terms as the state-capital-work interplay continues, even with the passage of time, to be crucial in advanced societies, and essential for Member States to shape and implement public policy.

On the other hand, moreover, pluralism, which is an indisputable fact that enhances the Western world, of necessity requires the existence of many organisations or groups which want to be listened to in order to assert their claims and interests as far as possible. Similarly, satisfying those interests clearly impacts on the public and increases public well-being, which is why after World War II socioeconomic groups became exceptionally influential, especially as a result of the power which those groups had achieved in complex contemporary societies, from the occupational and economic and social perspectives, successes which were more than enough for government administrations to use them for the public good, involving them in political decision-making processes, which gives meaning to Forstthoff's statement that the State has to share its power with organised social partners<sup>3</sup>. This neocorporatist situation inevitably receives legal support, to the extent that, as KAISER indicated

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<sup>1</sup> Not all these institutions are called economic and social councils: only eleven of the 22 countries which have this kind of institution call it by this name. Other Member States prefer to describe their institutions using other names such as National Council for Economics and Labour (Italy), Economic, Social and Environmental Council (France), Council for Economic and Social Development (Malta), Social Dialogue Councils (Poland), Economic Council (Denmark and Finland), Council of Economic and Social Agreement (Czech Republic), Tripartite Council (Lithuania), National Labour Council and Central Economic Council (Belgium), Council for Economic and Social Partnership (Slovakia), and Advisory Council for Economic and Social Affairs (Austria).

<sup>2</sup> The term is not entirely peaceful as for some it evokes experiences under anti-democratic regimes. Other terms used to describe the same thing are "company corporatism", just corporatism or liberal corporatism. MAESTRO, G., "Acerca del neo-corporativismo", in *Revista de Estudios Políticos (Nueva Época)*, No 48, 1985, page 154. SOLÉ, C., "El debate corporativismo-neo-corporativismo", in *Revista Española de Investigaciones Sociológicas*, Vol. 26, No 84, 1984, page 11. SERRANO RUIZ-CALDERÓN, J. M., "Neocorporativismo", in *Revista de la Facultad de Derecho de la Universidad Complutense*, No 74, 1988-1989, page 808. PÉREZ YRUELA, M., y GINER, S., "Corporativismo: El estado de la cuestión", in *Revista Española de Investigaciones Científicas*, No 31, pages 19-20. For an extremely interesting contribution on the subject see PÉREZ DÍAZ, V., *El retorno de la sociedad civil*, Instituto de Estudios Económicos, Madrid, 1987, pages 122-123.

<sup>3</sup> FORSTHOFF, E., *Sociedad industrial y Administración Pública*, ENAP, Madrid, 1967.

in 1956, the importance of interest groups is the main constitutional feature in the world today<sup>4</sup>. In the same vein, García-Pelayo, the former Spanish president of the Constitutional Court, stressed, agreeing with the German master, that the relationship between state and organised interests is the same as that between the state and society<sup>5</sup>.

At any event, this neocorporatism built with a view to better communication between organised interests and the state, is now divorced from ideologies, or in other words, the relevant interest groups are not part of or represented in parliamentary structures but in bodies compatible with the representative institutions of liberal democracy, and do not fit into the pre-set, exclusive system of power as in some of the old regimes, but on the contrary are organised freely and coexist with social pluralism. It is a way of integrating associations and other models of societal self-organisation into Member States' public affairs within the field of democratic parliamentary policy.

In this way, the political archetype of our democracy was reorganised throughout Europe, making it possible for the groups to participate in a specific or continuous way through permanent institutions such as national economic and social councils and similar institutions, which, despite existing in 22 EU Member States and having enormous democratic value, are not sufficiently well-known, even when, despite the institution encouraging public participation, the separation of political and civil society, and with it representative democracy, seems at times to be increasing .

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<sup>4</sup> KAISER, J. H., *La rappresentanza degli interessi organizzati*, MANGIAMELI, S. (Trad.), Giuffrè, Milan, 1993.

<sup>5</sup> GARCÍA-PELAYO, M., *Las transformaciones del Estado Contemporáneo*, Alianza, Madrid, 1982, p. 110.

## 2. REPRESENTATION OF INTERESTS

It is common, and even usual, for constitutionalist literature to present representation of interests as a class of representation distinct from modern political representation. Representation of interests aims to ensure the involvement of socioeconomic groups – unlike political parties therefore – with the aim of influencing public decisions, contributing to them, or even gaining power similar to that of parties<sup>6</sup>.

Representation of interests is therefore closely related to legal and political positions. On the one hand, it seeks to represent groups and organisations, while also catering to the interests of particular sectors and sections of the population. In other words, representation of interests is concerned with the will of particular groups that are deemed worthy of special protection within a political community.

In contrast, the contemporary notion of political representation, historically shaped by the main European revolutions of the eighteenth century, is based on the denial of representation of political questions under the "ancien regime", which was concerned with the nation and not any specific faction or group. It is general, not limited to specific issues, and is also free, i.e. it is not subject, as under the "ancien regime", to a restrictive or binding mandate.

The differences between political representation and representation of interests are therefore indisputable. The former takes into account the interests of the collective. It therefore equates to representation of general or political interests, and is exercised through political parties, which receive the votes of individual citizens. As Bobbio<sup>7</sup> explains, representation of interests, on the other hand, entails the representation of the interests of groups and sections of the population.

In this light, the first point we can make is that the characteristic roots of representation of interests can be divided into two parts: firstly, it is a genuine form of representation structured around interest groups; and secondly, it can be used to various ends.

Representation of interests thus bears a number of similarities to what Sartori referred to as sociological representation, an inherent feature of which is the similarity that exists between representatives and those they represent. In this form of representation, representatives embody the characteristics of those they represent<sup>8</sup>.

### 2.1. Socioeconomic groups as means of representation

The protagonists of Western democracies are the people, with each citizen therefore being a key player. This means that citizens have the possibility of participating in public affairs. This channelling of participation is mainly achieved through political parties as the main contemporary instruments for participation in public affairs. Alongside political parties, however, relations between states and citizens can nowadays also be conducted through groups and organisations which, as we have seen, are genuine players in social and political life.

These relations between the state and society are for the most part organised around the activities of groups. However, in contrast to political parties, which make up democratic systems as the key instruments of participatory democracy; and to social movements, whose forms of collective action

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<sup>6</sup> DE ESTEBAN, J., *La representación política y su variante, la representación de intereses*, unpublished doctoral thesis, U.C.M., 1953, p. 217.

<sup>7</sup> BOBBIO, N., *Teoría General de la Política*, Trotta, Madrid, 2003, p. 496.

<sup>8</sup> SARTORI, G., *Elementos de teoría política*, Alianza Universidad Textos, Madrid, 1992, pp. 225-226.

focus on bringing about social change, interest groups seek to influence political systems, particularly in areas that have a bearing on socioeconomic issues.

The emergence and development of socioeconomic interest groups have been studied in the context of contemporary historiography. Here, it is useful to highlight the contributions made by the North American School, with Maier<sup>9</sup> and Schmitter<sup>10</sup> at the forefront, as well as those of the Italian School, headed by Pizzorno<sup>11</sup>.

Without delving into the impact that the bourgeois revolutions had on intermediary groups and bodies, it is necessary to understand the effect the growing tensions in the context of the well-known capital/labour problem of early modern capitalism had on employers and workers during the Industrial Revolution. As a result of this, the working class became acutely aware of the need to form groups to defend its interests, i.e. collective interests, or in the words of Santoro-Passarelli<sup>12</sup>, the interest of a group of people in something capable of meeting a shared need, limited in this case to purely socioeconomic issues.

Indeed, once the restrictions on association imposed by early liberalism had been overcome<sup>13</sup>, it was not long before associations and groups began to form, with the aim of seeking help and security in the areas of economic/occupational affairs. At the same time, a clear feeling emerged within society that this system was incapable of protecting people's social and labour conditions, especially when the interests of working class people were marginalised in national parliaments, and since, as is well known, the only occupational interests that could be represented in political assemblies were those of bourgeois employers.

This is not the place to discuss the gradual recognition across Europe of the right of association. However, it is useful to point out that it was precisely amidst the conflict between capital and labour that the legal and political recognition of collective action began to thrive once again in Europe, following the "liberal parenthesis". It was in that context that the law of European states embraced the possibility of representation for these groups so as to improve social harmony<sup>14</sup>.

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<sup>9</sup> Among others, MAIER, C. S., "Los vínculos ficticios... de la riqueza y de la ley: sobre la teoría y la práctica de la representación de los intereses", in BERGER, S. (Comp.), *La organización de los grupos de interés en Europa Occidental. El pluralismo, el corporativismo y la transformación de la política*, Publications Centre of the Ministry of Labour and Social Security, Madrid, 1988.

<sup>10</sup> Among other articles, SCHMITTER, P. C., "La mediación entre los intereses y la gobernabilidad de los regímenes en Europa Occidental y Norteamérica en la actualidad", in BERGER, S. (Comp.), *La organización de los grupos de interés en Europa Occidental. El pluralismo, el corporativismo y la transformación de la política*, Publications Centre of the Ministry of Labour and Social Security, Madrid, 1988.

<sup>11</sup> PIZZORNO, A., "Los intereses y los partidos en el pluralismo", in BERGER, S. (Comp.), in *La organización de los grupos de interés en Europa Occidental. El pluralismo, el corporativismo y la transformación de la política*, Publications Centre of the Ministry of Labour and Social Security, Madrid, 1988.

<sup>12</sup> SANTORO-PASSARELLI, F., *Notion de Derecho del Trabajo*, Institute of Political Studies, Madrid, 1963, p. 19.

<sup>13</sup> The Le Chapelier Law of 14 June 1791 completed the work begun in France by Turgot's Edict of 1776 and continued by the Allard Decree of March 1791. In Great Britain, laws restricting the freedom of association of workers had appeared from 1744, but the definitive blow came in 1799 and 1800 with the Combination Acts. Similarly, the third article of the Declaration of the Rights of Man and of the Citizen established that "[t]he principle of any sovereignty resides essentially in the Nation. No body, no individual can exert authority which does not emanate expressly from it."

<sup>14</sup> It is for this reason that representation of interests was based first and foremost around socioeconomic interests. Similarly, this is also why, in the twenty-first century, special recognition is still given to occupational



It was at that point that representation of interests came into play. Initially it was limited to establishing mechanisms for cooperation between corporations that were strictly sectoral in nature. However, new forms of representation of interests began to be organised, at the initiative of the state, with the aim of improving society, as called for throughout the modern age by legal experts such as Duguit<sup>15</sup> and Romano<sup>16</sup>, sociologists such as Durkheim<sup>17</sup>, and schools of thought such as the German Historical School, the teachings of the Catholic Church, and European socialism<sup>18</sup>.

The German Historical School's exploration of medieval history and philosophy led Gierke<sup>19</sup> to apply the notion of corporations to contemporary political law, which subsequently opened the way to Durkheim, who considered the corporation as the core body of political life. Similarly, the Catholic Church took steps to have group interests taken into account by the public authorities, encouraging collaboration between various interests with the aim of ensuring the common good and social harmony. Likewise, other schools of thought, such as socialism and traditionalism, began politicising socioeconomic affairs, seeking to have representatives of corporations included in chambers designed for political representation. For example, figures such as Saint-Simon, Blanc, Laski and Rigola, along with others from varying ideological spectrums, such as Renan, Benoist and Aparisi y Guijarro, were in favour of mixed representation within political institutions. Following on from this, in the next section we will examine the various forms that representation of interests may take.

## 2.2. Participation models

In the contemporary age, various models or channels have been put in place to enable socioeconomic interest groups to participate in public life. A particular part of European and Ibero-American literature<sup>20</sup> has been concerned with the specific issue by bringing together deserving groups. In the 1960s, French lawyer Trotabas summarised the involvement of these groups, dividing them into four types<sup>21</sup>. However, Loewenstein's classification has had the greatest influence in recent times<sup>22</sup>. For this

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interest groups, precisely because they have played, and continue to play, a major role in solving political problems in our societies.

<sup>15</sup> DUGUIT, L., *Manual de Derecho Constitucional*, ACUÑA, J. G., (Trad.), Madrid, 1926, pp. 167-170.

<sup>16</sup> ROMANO, S., *Lo Stato moderno e la sua crisi: saggi di diritto costituzionale*, Giuffrè, Milan, 1969.

<sup>17</sup> DURKHEIM, É., *La división del trabajo social*, Akal, Madrid, 2001.

<sup>18</sup> FERNÁNDEZ RIQUELME, S., "La historia del corporativismo en Europa. Aproximación a las formas jurídico-políticas de representación del trabajo", in *Diálogos, Revista electrónica de Historia*, vol. 13 No 1, February-August, 2012. p. 155. For a basic overview of this issue, see GARCÍA CUADRADO, A. M., "La representación parlamentaria de intereses socio-económicos en la doctrina constitucional", in *Revista de Derecho Político*, UNED, No 88, 2013, pp. 169-214.

<sup>19</sup> PENDÁS, B., "Estudio preliminar", in GIERKE, O., *Teorías políticas de la Edad Media*, Centro de Estudios Constitucionales, Madrid, 1995. XLVII.

<sup>20</sup> In the Latin American context, the classifications outlined by both Delfino de Palacios and Cueto Rúa stand out. DELFINO DE PALACIOS, M., "La institucionalización del pluralismo socioeconómico a nivel parlamentario", in VALADÉS, D. (Coord.), *Constitución y grupos de presión en América Latina*, UNAM, Instituto de Investigaciones Jurídicas, Mexico City, 1977, pp. 61-84. CUETO RÚA, J., "La representación de intereses económicos en el Estado moderno" in *Academia Nacional de Ciencias Económicas*, Buenos Aires, 1966, p. 177-185.

<sup>21</sup> TROTABAS, L., "Le rôle de la représentation des intérêts professionnels dans la vie politique française", in *Travaux du VI colloque des facultés de Droit et des Sciences Economiques*, Toulouse, May 1958, Dalloz, Paris, 1959, p. 165 et seq. He drew a distinction between rearranging voting to introduce representation of interests, including representatives of socioeconomic interests in chambers of political representation, establishing Economic Councils, and including the representatives of those interests in administrative committees.

<sup>22</sup> LOEWENSTEIN, K., *Teoría de la Constitución*, Ariel, Barcelona, 1970. Followers of this teaching include the Argentine constitutionalist VANOSSI, J. R., *El Estado de Derecho en el Constitucionalismo social*, Eudeba, Buenos Aires, 2000, p. 311 et seq.

German master constitutionalist, there are five channels through which groups are involved: via political parties dealing with economic interests; through inclusion in a second parliamentary chamber; by combining political assemblies with economic assemblies; through the corporatist experiences of authoritarian and totalitarian regimes; or through group involvement in the economic and social councils.

However, with regard to the issue at hand, in the context of Spanish constitutional doctrine it is Professor Gutiérrez Nogueroles that has summarised with surgical precision the various instruments through which socioeconomic interest groups take part in the Spanish political process<sup>23</sup>, a classification that we shall adopt here, despite it not being the standard in all EU Member States.

### ***2.2.1. Non-institutional representation***

In terms of non-institutional representation, socioeconomic interest groups normally take part in public decision-making through two channels: either via ad hoc, pre-normative agreements or consultation with governments<sup>24</sup>, or, in some countries, through their activities as lobbyists<sup>25</sup>.

The first channel refers to cases where the executive negotiates an agreement with one or more socioeconomic interest groups; while the second, formal or informal representation, involves states, along with lobbyists, providing a means of expression for socioeconomic interests.

### ***2.2.2. Institutional representation***

Contemporary European history demonstrates that types of institutional representation for socioeconomic interest groups are both very varied and common. Three types can be outlined as follows:

The first is the inclusion of groups in the government administration's bodies or administrative structures. The composition of such bodies tends to meet tripartite criteria, which enables governments to participate in these committees, councils or commissions that generally have a consultative role. These are often sectoral bodies dealing with a specific socioeconomic issue, such as the Executive Council of the Spanish Wage Guarantee Fund.

Representation may also take place through parliamentary institutions. In some cases, some members of a chamber of parliament come from interest groups, or the whole chamber may be made up of members of these groups. Both examples have been seen during the twentieth century, under liberal-democratic and anti-democratic systems. Examples can also be seen nowadays, such as the Irish Senate, or the Slovenian National Council.

General De Gaulle's project for reforming the Senate was interesting in this regard. He put it to a referendum in 1969, with the aim of providing the Senate of the Fifth Republic with greater

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<sup>23</sup> GUTIÉRREZ NOGUEROLES, A., *El Consejo Económico y Social en el ordenamiento constitucional español*, UNED, Madrid, 2004, pp. 41-49.

<sup>24</sup> For example the 1977 Pactos de la Moncloa in Spain or the Economic and Social Agreement of 1984 to 1986 (AES). There are plenty of examples in the European Union Member States. See Avdagic, S., Rhodes, M, Visser, F., *Social Pacts in Europe. Emergence, evolution, and institutionalization*, Oxford University Press, Oxford, 2011.

<sup>25</sup> Von Beyme, K., *Los grupos de presión en la democracia*, Belgrano, Buenos Aires, 1986. Rubio Nuñez, R. *Los grupos de presión*, Centre for Constitutional Studies, Madrid, 2003.

socioeconomic and cultural representation by integrating the Economic and Social Council into the Senate. In the end the proposal was defeated by just over a million votes.

Lastly, there are also economic and social councils – the majority of which are public and have a consultative role – which generally offer the opportunity for citizens to participate through groups representing them. They deal with general socioeconomic issues and in the vast majority of cases are the main consultative bodies on such matters.

### 3. CONCEPT OF ECONOMIC AND SOCIAL COUNCIL

The national economic and social councils in European Union Member States are not a homogeneous group; on the contrary, there are sometimes marked differences between them, which inevitably leads to difficulties in establishing a definition that encompasses all of their characteristics.

Even so, it is helpful to note some of the definitions that can be found in the best literature on the subject. In Spain, Montavalo Correa and Peña Pinto have provided descriptions as follows: The former defines the councils as *consultative bodies composed of representatives of organised civil society, mainly employers' and trade union organisations, the purpose of which is to guide public policies on social, labour and/or economic issues*<sup>26</sup>. Marcos Peña similarly proposed a current description of the councils, emphasising that: *they are institutions of participatory democracy, given that they are formed by the social partners and representatives of organised civil society and because they participate in public affairs via consultation, or where appropriate, bargaining processes*<sup>27</sup>.

In France, Jean-Paul Delevoye proposes a definition that stresses the empowering nature of ESCs in liberal democracies, describing them as *the democratic institution in charge of social and civic dialogue tasked with supporting the institutions responsible for political life: the government and the parliament*<sup>28</sup>.

In other words, many definitions of the economic and social council have been offered, some from the Americas<sup>29</sup>. However, in reality they are institutions which, due to their individual features, can be defined in many ways and there have also been many observations on their nature, composition, function and structure worth mentioning.

If we are looking for a definition that covers the various types in the European Union, it is clear that they are institutions generally provided for in national legal texts and constitutions – though this is not always the case – that usually advise governments, parliaments and other institutions on socioeconomic issues, and that bring together the social partners (employers and employees) and, in many cases, other sectors of organised civic life.

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<sup>26</sup> MONTALVO CORREA, J., "Los consejos Económicos y Sociales u otros órganos similares", ponencia en *X Congreso Internacional del CLAD sobre la Reforma del Estado y de la Administración Pública*, Santiago de Chile, 2005.

<sup>27</sup> Peña Pinto, M., "Democracia participativa y cooperación internacional: la experiencia de los Consejos Económicos y Sociales en EUROsociAL II", in *Los Consejos Económicos y Sociales en América Latina y en la Unión Europea. Experiencias prácticas de diálogo social*, Collection of working documents, No 14, EUROsociAL, Madrid, 2014, page. 13.

<sup>28</sup> Delevoye, J-P., ""Los Consejos Económicos y Sociales frente al reto de responder a las cuestiones fundamentales que se plantean nuestras sociedades y de mejorar su capacidad para expresar las expectativas de los ciudadanos (CESE de Francia)", in *Los Consejos Económicos y Sociales en América Latina y en la Unión Europea. Experiencias prácticas de diálogo social*, Collection of Working Documents No 14, EUROsociAL, Madrid, 2014, page 163.

<sup>29</sup> Njaim sees them as institutions that represent important (if not the most important) sectors of the economy and society, carrying out important duties such as advising the government in connection with economic legislation, and laying the basis for public procurement, wage and minimum price bargaining between capital and labour, and agreements between political forces that will be recognised by the parliament at a later stage. (Njaim, H., "La regulación constitucional de los grupos de presión: la crisis de los Consejos Económico-sociales ilustrada por el caso venezolano", in Valadés, D. (coord.), *Constitución y grupos de presión en América Latina*, UNAM, Institute of Legal Research, Mexico City, 1977, p. 92.) For Ermida Uriarte, the key feature of the councils is that they are public bodies with a diverse membership representing occupational interests. (Ermida Uriarte, O., "Los CES: antecedentes para el Foro Consultivo Económico-Social del Mercosur", in *Revista de Relasur*, No 8, Montevideo, 1995, pp. 45-62.)

The Councils are also official forums, usually with high institutional importance within the administrative structures of a state, through which the most powerful socioeconomic interest groups in the country take part in designing public policies on socioeconomic matters, generally by performing advisory or other tasks. They therefore act as channels that enable stakeholders to participate in the policy decision-making process on economic and/or labour issues, enhancing democracy by creating a dialogue between the state and society.

#### 4. BRIEF HISTORY OF ECONOMIC AND SOCIAL COUNCILS AND THE REASONS FOR THEIR ESTABLISHMENT

Bodies tasked with providing advice on socioeconomic matters have existed since ancient times, although it was not until the modern age that advisory work took on a prominent role. In France under Henry IV, for example, a committee known as the *Supreme Council for Trade* was set up in 1601 to restore domestic and external trade. An important example of professional representation in these advisory institutions is the *General Council for Trade*, which was set up in France in 1710 by Louis XIV and involved the main traders in the kingdom.

However, it was during the nineteenth century, particularly the latter half, that institutions bearing a clear resemblance to our modern economic and social councils took root in European states, bringing together representatives of economic interest groups (employers and trade unions) in an advisory capacity. This was the case of the *Government Commission for the Workers*, chaired by Jacques Blanc and known as the *Luxembourg Commission*, which was formed in 1848 by representatives of the government, workers and employers.

Other states, such as the newly created Italian state, as well as France and Belgium, established sister institutions. The first Economic Council, however, was established in Prussia in 1880 by King William I with the clear intention of moving away from liberal assumptions<sup>30</sup>. He therefore set up a body comprising 75 members appointed by the King for five years, comprising 45 delegates elected by the Chambers of Commerce, Industry and Agriculture on the one hand and thirty members, half of whom were workers and craftsmen freely appointed by the executive, on the other hand. As masterfully stated by Bismarck in his opening speech, the task of the Council was to put forward expert opinions on legislative texts on economic matters<sup>31</sup>, and to defend the interests of the various corporations<sup>32</sup>.

These pioneering advisory bodies on socioeconomic interests, such as the early economic councils and later the economic and social councils, originated and experienced their initial major expansion on the Old Continent.

The first example of an economic council being constitutionalised was in the Weimar Republic in 1919. The Weimar Constitution was the inaugural text of social constitutionalism in Europe and was vitally important in that it was also the first constitution to provide for institutions involving the social partners. Thus, Article 165 of the Constitution of 11 August 1919 provided for the creation of workers' councils in workplaces and districts, as well as a national Economic Council, based on the notion that collective interests could be addressed in the general interest.

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<sup>30</sup> Wolfe, J. H., "Corporatism in German political life: functional representation in the GDR and Bavaria", Heisler, M. O. (Dir.), *Politics in Europe. Structures and processes in some postindustrial democracies*, McKay, New York, 1974, p. 324

<sup>31</sup> Lataud, C., and Poudenx, A., *La représentation professionnelle. Les Conseils économiques en Europe et en France*, Marcel Rivière, Paris, 1927, p. 81.

<sup>32</sup> Prélôt, M., *La Représentation professionnelle dans la Constitution de Weimar et le Conseil économique national*, Doctoral Thesis of 29 January 1924, Éditions Spes, Paris, 1924, pp. 35-36.

This Economic Council spelt the end of the radical class struggle advocated by more extreme German socialism<sup>33</sup>, bringing together 326 members divided into ten groups by different economic sector (agriculture, forestry, fisheries, industry, trade, transport, communications, civil servants, etc.) with representatives of employers and workers, and members appointed by the government<sup>34</sup>.

The Constitution entrusted the Council with tasks relating to the country's economic policy. Similarly, the Council was given consultative power whereby it was to advise the government in connection with draft laws on matters of economics and social protection of general interest (the most common type), and even had the right of legislative initiative vis-à-vis the government and the Reichstag.

It is interesting to note that the organisational structure of the Council was quite similar to the one commonly used today. Some internal bodies were single member bodies, such as the chair and the first and second vice-chair, while others were collegiate, notably the assembly, the bureau and the special and standing committees.

This Economic Council was an extraordinary example that would be emulated by other states, leading to the first major proliferation of councils during the interwar period in Europe. Some Councils followed the example set in Weimar and were constitutionalised (Poland in 1921, Danzig in 1922, the former Yugoslavia in 1921 and Austria in 1934), but for the vast majority no constitutional provision was made.

As pointed out by Linder in 1932 in an excellent League of Nations study on the economic councils that were springing up in countries around the world at that time<sup>35</sup>, in the vast majority of cases the economic councils brought together the most prominent occupational groups in each country and their role was primarily advisory. This is not the time to analyse each and every Economic Council of the interwar period, but it may be interesting to emphasise the importance and influence of the National Economic Council of France of 1925, an institution that was established, as set out in its mission statement, with the aim of bringing together all social and productive forces in the country and tasking them with carrying out a technical study on the economic problems in France. The French trade union movement, led by Jouhaux, had a major impact on Herriot's final decision to set up, via a decree, a medium-sized council (made up of forty-seven members) with a structure similar to that of Weimar.

After the Second World War there was a renewed interest in economic c, when the various ideological groups became aware of the urgent need for political reforms that included the social partners, since their cooperation was necessary in the shattered economies of the time, and because socioeconomic groups had been heavily involved in the victory over the Axis powers.

This cooperation with the state led to the agreement on the National Economic Council in Luxembourg on 4 August 1945, and on the Central Economic Council and National Labour Council in Belgium in 1952. Other countries were soon to follow suit, such as France, which enshrined its Council in its Constitution of 27 October 1946, and likewise Italy, in its Constitution of 27 December 1947.

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<sup>33</sup> Heller, H., "El Derecho Constitucional en la República de Weimar. Derechos y deberes fundamentales. Sección V: de la Economía", in *Escritos políticos*, Alianza, Madrid, 1985, p. 280.

<sup>34</sup> This structure was established by the Ordinance of 4 May 1920.

<sup>35</sup> Linder, E., *Review of the Economic Councils in the Different Countries of the World*, League of Nations, Geneva, 1932.

It is worth taking even a brief look at which elements had the greatest influence on the creation of the economic councils. The reasons behind the state authorities' decision to consider setting up these bodies are twofold.

Firstly, there is no doubt that at the end of the nineteenth century there was a recognition by the government, and prior to that, among the general population, that the constitutional structures of political representation had proved incapable of representing group interests in state processes. Indeed, the structures of political representation had proved to be insufficient, in the eyes of certain classes, for several reasons. Possibly the most substantial reason is that the political process, by virtue of being exclusively individual and inorganic, only took into account each person's individual position, therefore sidelining the interests of the groups and organisations that make up the social fabric. Another reason was that liberal political representation, which from the outset had represented bourgeois interests, was showing itself to be incapable of addressing workers' demands.

This process hindered social relations between the various social groups, ultimately citizens, and the state which, coupled with the perception of insufficiently representative institutions, led to a growing feeling of institutional marginalisation, eventually resulting in the restructuring of state bodies in order to accommodate the strongest economic groups and include the most prominent groups in decision-making processes. Thus emerged what has been referred to as "economic democracy" and "social democracy". This phenomenon led to the emergence of numerous proposals for the creation of public spaces to be used by economic and occupational interest groups. Many variations of these were set up, although the initial outline of economic and social councils can be said to have been conceived on the basis of social democratic ideas.

The first economic council in Europe in its modern format emerged as a result of the project known as Cohen-Kaliski, a project which took its theoretical basis from the notebooks of *Die Sozialistischen Monatshefte* and which, despite its early reticence, eventually won the support of the German Social Democratic Party. This project, together with that of Sinzheimer, supported retaining formal parliamentary institutions in addition to the system of councils as an expression of economic democracy, thus rejecting the call by some old trade unionists to create an occupational or economic parliament on an equal footing with the political parliament<sup>36</sup>.

Similarly, the first Economic Council in France was driven by trade unionists of such standing as Jouhaux, Vlois and Boncour. Motivated by an express wish to unionise the Third Republic, they developed programmes and collective proposals which paved the way for what became known as "*the transition from political democracy to social democracy*"<sup>37</sup> and thus for representation of France's various economic forces in a council. Following the decision taken by Herriot in 1924, this became a reality in 1925 with the National Economic Council.

Viewed in this way, therefore, the economic councils addressed a real and sincere concern for improving the democratic system, its representativeness and the legitimacy of public decisions. This enrichment of democracy became clear when the two dimensions of the citizen became integrated institutionally: the individual dimension, within the institutions of political representation; and the

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<sup>36</sup> Medina Echevarría, J., "La representación profesional en las Asambleas Legislativas" in *Anales de la Universidad de Valencia*, Year VII-15, 1926, pp. 228-234.

<sup>37</sup> CHATRIOT, A., "Les apories de la représentation de la société civile. Débats et expériences autour des compositions successives des assemblées consultatives en France au XX siècle", in *Revue française de droit constitutionnel*, No 71, July 7, p. 540.



social dimension, with institutions such as the councils, made up of the socioeconomic groups that citizens themselves belong to.

The second major reason for the Councils was a desire to achieve social harmony. Taking into account the complex demands of workers to have their interests taken into account, and faced with the pressure of possible conflicts in the event of failing to achieve social harmony, the public authorities understood that this would require some cooperation between employees, employers and the state. Such cooperation in shared spaces aimed at reconciling interests and improving working conditions and productivity. This eventually turned into a state interest in intervening in the economy via certain advisory or collaborative bodies. In this sense, the councils also respond to the pressing need for states to create places where groups with conflicting interests can meet, leading to dialogue and cooperation and thereby to improved social relations. Without doubt, the presence of organisations and interest groups in the Councils encourages negotiation and agreements on their demands, within the legal-public framework of the constitutional state rather than outside it, as other channels can disrupt the social environment<sup>38</sup>.

Yet it must be said clearly that these institutions are far from being a second or third chamber with legislative decision-making power. Western ESCs are designed as bodies for participation, consultation, study, debate<sup>39</sup> and, in some cases, concertation, and therefore carry out work that is far removed from the competences of institutions of political representation. ESCs represent socioeconomic interests; they do not represent the political will of a state, and groups are only represented in proportion to their economic and social importance.

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<sup>38</sup> Enrique Herrera attributes the emergence of the councils to these factors to some degree. Herrera, E., *Los Consejos Económicos y Sociales. La participación democrática de los grupos socio-profesionales*, EUDEBA, Buenos Aires, 1972.

<sup>39</sup> Monereo Pérez, J., *Concertación y diálogo social*, Lex Nova, Valladolid, 1999, p. 99.

## 5. CURRENT ECONOMIC AND SOCIAL COUNCILS AND THEIR CHARACTERISTIC ELEMENTS

Our contemporary national economic and social councils and similar institutions in the Member States of the European Union<sup>40</sup> feature elements and characteristics that differentiate them from other bodies. What stands out above all in these institutions are a number of features relating to their membership and structure, and others relating to their functions and powers.

### 5.1. Composition and structure

Since the creation of the first economic councils, the issue of membership has been an important one since, not surprisingly, one of their greatest appeals is precisely their membership.

Since the beginning, the councils have had a corporate structure, with members appointed based on business-related (although not always occupational) criteria, on the understanding that organisations and groups are the legitimate representatives of citizens' socioeconomic interests. These early economic councils were structured along two lines: firstly, those that were set up as bodies of technical experts, the example being the National Economy Council of Latvia of 1929<sup>41</sup>; and those which, alongside experts, also included professional organisations that determined their rules of application, as in the case of the National Economic Council of Weimar, among others, as well as those with government representation, as, for example, in the Economic Council of Finland of 1928<sup>42</sup>.

It is clear that the states that launched an economic council as a forum for participation adapted its structures to the economic structure they wished to have. Today, as in the beginning, the Councils include sectors that public authorities wish to give an institutional voice to; however, as of a few decades ago, they are generally speaking no longer limited to economic organisations and now include groups with social importance, as well as some from other sectors; as a result, many of these bodies are known as economic and social councils.

As these are participatory bodies, the expectation is that they should be sufficiently representative. It is therefore crucial that the groups representing the areas covered by the council's remit are given the correct representation. There is no doubt that the effectiveness of a council depends on it having the right representation, which brings us on to the issue of the legitimacy of ESCs.

It seems logical that the task of identifying the interests to be represented should be a major concern if the aim is to legitimise these institutions of participatory democracy. This representativeness will be appropriate and effective if the most representative socioeconomic players are accommodated, as this will make the councils representative of the socioeconomic society they claim to represent. In reality, the authority of these institution, as well as that of many others of a similar nature, resides in the fact

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<sup>40</sup> The following are distinguished studies that have carried out a comparison of Economic and Social Councils: Martínez Abascal, V., Pérez Amorós, F., Rojo Torrecilla, E., *Los Consejos Económicos y Sociales (España y otros países comunitarios)*, Ibid, Madrid, 1993, and Chabanet, D., and Trechsel, A.H., *EU National Economic and Social Councils and Similar Institutions*, Eudo, Florence, 2011.

<sup>41</sup> This was a consultative body made up of experts, state officials and professionals of high standing and accredited experience, separate from social organisations.

<sup>42</sup> This was made up of twenty members, of which sixteen were from economic sectors and four were representatives of various ministries.

that they represent the most relevant socioeconomic and civil society groups, as well as in the work they carry out<sup>43</sup>.

Unlike institutions that deal with political representation, whose legitimacy stems from votes as a form of expression of universal suffrage, the legitimacy of economic and social councils resides in the representativeness of their member groups and in the real clout and standing they enjoy within society. Likewise, estimating clout is an important but also arduous task, as it is possible to make the calculation using different methods, with varying results, for example, according to social utility, structure, influence, members or votes, while the gauge for assessing the clout of individual groups is also complex.

Irrespective of the system used to measure the interests that should be represented in the councils, which generally claim to be the leading representative bodies for socioeconomic interests in a given territory (supranational, national, regional or local), it is ultimately up to the public authorities to determine what interests are to be represented. If the wrong decision is taken, the council's legitimacy will be called into question and active public participation via these groups will be weak or only partially effective. It must not be forgotten that the Councils are forums for dialogue between the major economic and social interests of society, and between them and the state.

The stakeholders in economic and social councils are, logically speaking, groups of a sufficient size that defend citizens' socioeconomic interests. They are also the ones that select, propose or appoint members to be representatives. The main players in the councils are therefore the organisations, groups and associations that form the backbone of society. Examples of these include the social partners (trade unions and employers), environmental organisations and non-governmental organisations, consumer and agricultural organisations, and others such as family, religious and youth organisations.

As permanent institutions, the Councils usually include social stakeholders as well as other organised civil society groups. The latter is limited to various socioeconomic organisations – so far only groups that enjoy permanent status – as well as groups that have a large number of supporters via information and communication technology channels, as these are believed to be closer to what we know today as public opinion.

However, society is also changing, dynamic and pluralistic, meaning that councils have to face the challenge of adapting to these changes. Changes in structures occasionally require (sometimes complex) changes to the rules, but these must necessarily be addressed if, as intended, the aim is to give society a voice by making the institution truly reflect the socioeconomic situation in the Member State.

### ***5.1.1. Representation in the councils: workers and employers***

All the national economic and social councils in the Member States of the European Union include representatives of employers and workers. This is a universal feature of the councils. In general, they include major federations and confederations of trade unions and employers. By including only those

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<sup>43</sup> Rubio Núñez explains that the main challenge of these institutions concerns the legitimacy of the representation they claim to have, which many call into question, as well as the work they carry out. Rubio Núñez, R., "La guerra de las democracias", in *Asamblea: revista parlamentaria de la Asamblea de Madrid*, No 16, 2007, p. 95.

that are most representative at national level, it is possible to represent the entirety of both workers and employers. In cases where only general trade union or business interest organisations are represented, these cover all socioeconomic sectors and, for this reason, some councils choose to dispense with individual representation for each economic sector or occupational field.

In Poland's Council, for example, the workers' group and the employers' group do not distinguish between different sectors. They include the most representative organisations at national level active in various sectors of the economy. The Malta Council for Economic and Social Development includes the most representative trade unions and workers' organisations at national level. Similarly, in the Economic and Social Council of Luxembourg the most representative workers' and employers' organisations are the main players, holding 36 out of a total of 39 seats available in the Council.

But it is also true that while some councils have chosen to include the most representative general employers' and workers' organisations, many more councils also provide for a small degree of very specific labour sector participation.

In the Economic and Social Council of Spain, for example, the first group (workers) and the second group (employers) include the most representative organisations, some national and others with a more regional scope. However, they are not exclusively dedicated to a specific occupational sector. The third group, on the other hand, includes bodies and associations representing specific socioeconomic sectors such as agriculture, maritime-fisheries, consumers and users, and the social economy. The Economic, Social and Environmental Council of France also specifically includes, in addition to many other interests, specific occupational organisations, such as those linked to agriculture, trade, crafts and the self-employed. The Economic and Social Council of Portugal is no exception to this trend, as it includes representatives, for example, from agriculture, banking and trade, among others; nor is the Economic and Social Council of Greece, whose Group A and Group B include occupational employers' and workers' associations from different sectors, such as construction, tourism, the public sector and others.

While the separate representation of multiple occupational sectors should not be seen as a common denominator, in many cases the aim was not to include a single union but those that are most representative. Thus, today, as observed in the 1970s<sup>44</sup>, in countries where several trade union associations coexist at national level, legislatures seek to distribute seats on the council among sufficiently representative trade unions. This is significant in that it allows for greater pluralism by including workers' organisations with their often varying ideologies.

Of all the possible examples, the Economic, Social and Environmental Council of France stands out on account of its large scale, in that it includes trade union representatives of different ideological persuasions, for example communist, socialist and social-Christian. The Netherlands, Portugal and Spain, among others, have councils that accommodate ideological diversity among workers' representatives.

### ***5.1.2. Other types of special representation: organisations representing other socioeconomic interests, experts, regions, public administrations and other interests***

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<sup>44</sup> Herrera, E., *Los Consejos Económicos y Sociales. La participación democrática de los grupos socio-profesionales*, EUDEBA, Buenos Aires, 1972, p. 95.

Council structures usually include other organisations representing a particular socioeconomic area relevant to society. Here we are referring to organisations representing other socioeconomic interests, such as issues relating to consumption, religious issues, women's issues and organisations that advocate for causes such as the environment or human rights, as well as many others.

The French example is typical. It also includes members of different organisations such as family associations, associations of young people, students, consumers, cooperatives, the self-employed and others. Another good example is Bulgaria. Bulgaria's Economic and Social Council is divided into three groups: an employers' group, an employees' group and a third group representing various sectors, such as agriculture, production, consumers, women's rights, pensioners and environmental organisations, etc. Similarly, the Economic and Social Council of Portugal has a pluralistic membership that includes tourism, insurance, finance, the self-employed, families, young entrepreneurs, universities and representatives of people with disabilities. To quote some interesting recent examples, based on the model of the European Economic and Social Committee Romania includes, in its third group, civil society bodies such as human rights organisations, organisations relating to health, people with disabilities, pensioners and the self-employed, as well as bodies campaigning for the eradication of poverty. Meanwhile, the Greek Economic and Social Council's group c includes an interesting combination of societal and cooperative interests, representatives of lawyers, doctors, various chambers, people with disabilities, municipalities, organisations dealing with gender equality issues, and parents of large families. Finally, the Council for Economic and Social Partnership of the Slovak Republic has a third group that represents civil society interest groups other than employers and trade unions, made up of associations and representative institutions whose activities are carried out at national level, which are accredited by the European Union and have been active for at least three years.

It is notable that a certain number of councils give speaking and voting rights to experts or practitioners of recognised standing. There are various examples of this. France is again among them, with 10 experts in economic affairs, 15 experts in social, cultural, sport and scientific areas, and 15 environmental experts. The Economic and Social Council of the Netherlands has 11 independent experts, generally professors of economics, law, finance or sociology, as well as the Director of the Central Bank of the Netherlands and the Director of the Netherlands Bureau for Economic Policy Analysis. Italy's National Council for Economics and Labour includes 10 experts, while the Economic and Social Councils of Spain and Portugal have, respectively, six and five prominent figures of recognised standing and with experience of economic and social issues.

Sometimes, the regions have specific representation within a council. Portugal's Economic and Social Council clearly stipulates that the island autonomous regions of Madeira and the Azores have seats. The Economic and Social Council of Greece also makes use of this option, including two members of the Association of Greek Regions.

It is worth noting the number of councils where the government administration's interests are represented: this is the case in the tripartite economic and social councils, such as in Croatia, Slovenia, Lithuania, Finland and the Czech Republic. In any event, as is the case with the Polish Social Dialogue Council, the government has a significantly smaller presence than the other stakeholders (workers and employers).

## **5.2. Organisation of work**

The economic and social councils are organised along quite similar lines. In fact, since the first councils – at least since the council set up during the Weimar Republic – all of them have had similar governance structures.

Keeping in mind each council's specific characteristics, their internal organisation falls into two categories: collective bodies and individual offices.

### ***5.2.1. Individual offices: presidents, vice-presidents and secretaries-general***

There are three offices that are usually occupied or represented by individuals: president, vice-president and secretary-general. At the same time, this does not rule out the possibility that people might work for the president or secretary-general following a council's establishment plan. In fact, most staff typically work for the secretaries-general, due to the tasks that the latter have to carry out.

All councils have a president who normally fulfils a range of duties, ranging from representing the institution to convening meetings and leading discussions.

Sometimes, the presidents are full members of the government (as in the case of the Economic Council of Finland and the Council of Economic and Social Agreement of the Czech Republic – their presidents are also that country's prime minister), while in other cases they are directly appointed by the government (e.g. in Greece and Italy), or by parliament (Portugal). In many cases, they are appointed by the plenary (as in France, Romania and Slovakia), while in others the consent of the government and the council's plenary is needed, as is the case, for example, in the Economic and Social Council of Bulgaria or Spain.

In addition, presidents generally hold office for the same period of time as members. However, this is sometimes different, such as when the presidency is rotating, e.g. in the case of the Advisory Council for Economic and Social Affairs of Austria, which has a presidency that rotates every six months between the four constituent organisations; in Croatia, which has an annual rotation between the three parties involved (government, employers and trade unions); in Poland (annual rotation among each of the three groups); in Lithuania (six-monthly rotation between the three groups); in Luxembourg (two years, in line with the principle of alternation between the groups); and in Slovenia (rotation between the stakeholders for one year, or less, where appropriate).

Most commonly, the councils elect one of their members to be president, but in rare cases a president independent of the council is chosen, such as in the National Labour Council of Belgium, whose president is appointed by the monarch from among independent figures. Similarly, the president of the Spanish Economic and Social Council is appointed by the government following a joint proposal of the ministries of labour and the economy and after consulting the three groups making up the council; the candidate must have the support of at least two thirds of the institution's members. Italy and Portugal take a similar approach. In Portugal, the president is nominated by the Assembly of the Republic and needs a two-thirds majority of the members present at the vote, who must represent an absolute majority of members effectively performing their duties. Meanwhile, in Italy, the president of the National Council for Economics and Labour is appointed by the President of the Republic upon a proposal of the President of the Council of Ministers, and following a discussion by the Council of Ministers.

Although, as has just been noted, the presidency of economic and social councils is an individual office, Denmark is an exception: the Economic Council shares its chairmanship with the

Environmental Economic Council, and this chairmanship consists of four members appointed by the government and independent of the organisations represented. A president is elected from among them.

In terms of the role of vice-president(s), they are often responsible for the tasks entrusted to the president when the latter cannot fulfil them. The Economic and Social Council of the Netherlands, and the Economic and Social Council of Spain, for example, have two vice-presidents, but most commonly, there are as many vice-presidents as there are groups; or, in cases where the president belongs to a group, the vice-presidents tend to be from the remaining groups, as is the case, for example, in the Netherlands and Luxembourg. On the other hand, each of the two councils in Belgium – the National Labour Council and the Central Economic Council – has four vice-presidents, two for each group.

Meanwhile, the role of the secretaries-general is to handle the technical, administrative and staffing matters related to the councils' work. The holder is an individual, except in the case of Austria, where there are two secretaries: one each for the employers' and workers' group.

### ***5.2.2. Collective bodies: plenaries, bureaus, working groups and other bodies***

The main decision-making entity of the vast majority of the councils is a plenary or assembly that involves all members of the council. The characteristics of these plenaries differ widely from country to country, particularly in terms of their organisation and role.

Some councils' sessions are generally public, which is more often the case in the economic and social councils in southern Europe (Spain, France, Italy and Portugal); in others, the general rule is for sessions to be held in private (for example in Austria, Bulgaria and Finland).

A more common element is to require a minimum number of participants for decisions taken in plenary to be valid; in many cases, consensus is also needed for a resolution to be adopted (as is the case, for example, with Lithuania, Ireland, Croatia and Slovenia).

Plenaries or assemblies meet in either regular or extraordinary sessions. The frequency of regular plenaries can be quite different. They take place monthly in the Economic and Social Council of Spain, in the case of Croatia, in the Economic Council of Finland, in Lithuania's Tripartite Council and in the Economic and Social Council of the Netherlands – in this case normally on the third Friday of the month. Austria's Advisory Council for Economic and Social Affairs also has monthly meetings, with the peculiarity that the meeting takes place at the headquarters of the organisation of the member currently exercising the role of president. The plenaries of other countries' councils have less frequent regular meetings. In the case of the Council of Economic and Social Agreement of the Czech Republic and the Social Dialogue Council in Poland, the plenary generally meets every two months. The plenary of Portugal's council has its regular meetings at least six times a year, once every two months. Once per quarter is the usual minimum rule for plenary meetings in both the Central Economic Council and the National Labour Council of Belgium; the general assembly of the Economic and Social Council of Greece meets at least twice a year; and National Economic and Social Council of Hungary once every six months, no other frequency being possible.

Other councils' plenaries have more frequent regular meetings. This is the case for the Romanian Economic and Social Council, which has regular weekly meetings of its plenary, while in France, the

Economic, Social and Environmental Council has its regular meetings on the second and fourth Tuesday and Wednesday of each month, with one session per day.

Similarly, there are often bodies known as "bureaus" or "standing committees" (other names also exist) that are responsible for the councils' more day-to-day operations, as well as their broad orientation. They comprise fewer members than the plenaries to enable them to be more flexible; the membership of such bodies is in proportion to the groups.

The councils also have working committees and sections; while each of them works differently, they are responsible for handling and studying the issues and then, once agreement has been reached, passing their decisions on to the final decision-making body (plenary). They truly are the "engine rooms" of the council, formulating the decisions that are to be adopted. These committees, sections or working groups – to give some of the names used – can, and usually do, take various forms. Some are more permanent, while others are formed specifically if the issue to be examined is unusual or does not fall within the areas studied by these committees. There is one unique exception: in Denmark, neither the Economic Council nor the Environmental Economic Council have such committees. In both cases, it is the chairmanship (consisting of four members), together with the required experts, that draw up draft reports.

### **5.3. Competences**

#### ***5.3.1. Principally advisory functions***

The councils are generally advisory institutions. However, they do not always act solely in an advisory capacity, as advisory bodies that make proposals but do not take decisions<sup>45</sup>. They issue their opinions and judgements on issues referred to them by other bodies. Where they are advisory bodies, they fulfil an institutional advisory role that clearly distinguishes them from other advisory bodies in the Member States of the European Union, as their task is permanent and general. The councils generally do not evaluate the legality of the consultations made; rather, they issue an opinion on the specific matters that have been referred to them.

In many cases, obtaining their opinions is mandatory, but in a great deal of cases their reports and opinions concern issues on which the public authority has made an optional referral.

By the same token, a large number of councils have the ability to present own-initiative opinions within their areas of activity.

As part of this advisory role, the opinions they issue are not binding, although in some cases, if a requesting body subsequently deviates from the opinion a council has issued, this must be specifically justified, as is the case in Poland if the Council of Ministers does not follow the Council's view or makes major changes to the proposal in comparison to the proposal that was initially submitted for consultation. In the case of Poland, this justification takes place before parliament.

As mentioned, resolutions are not binding; nonetheless, the councils' decisions always help to publicly formulate an expert opinion – in this case, as drawn up by the organisations represented within the

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<sup>45</sup> DUVERGER, M., *Instituciones políticas y Derecho Constitucional*, Ariel, Barcelona, 1988, p. 137.



institution – which clearly makes a certain contribution to exercising what some<sup>46</sup> have termed a corrective function in relation to political decision-making.

The economic and social councils do not supplant parliaments' legislative functions, although there are (rare) cases where they are granted regulatory powers. In Italy, for example, the National Council for Economics and Labour has the constitutional right of legislative initiative – the law enables it, within its area of competence, to transmit its legislative initiatives to the government, parliament, the regions and the autonomous provinces. In Poland's Social Dialogue Council, the employers' and workers' groups can conclude widely applicable collective labour agreements. For its part, the National Labour Council of Belgium can conclude compulsory collective agreements, while Slovenia's Economic and Social Council can propose the adoption of new laws or ask for current legislation to be amended.

Ultimately, they in no way replace parliaments in terms of their composition or role, but they do represent interest groups – in this case, economic and social interest groups – which complement and complete the liberal system of representation.

This advisory role, fulfilled by the vast majority of councils, can be exercised in relation to the government (as is the case in Spain, Luxembourg, Malta and Poland), or, more commonly, in relation to parliament and the government (as in Slovenia, Portugal, Romania, Greece and the Netherlands). Ireland is a special case as its council does not issue opinions on decisions; instead, its regular task is to carry out analyses and inform the prime minister (to whom it is subordinate) about the overall development of the economy.

By way of conclusion, and given the variety of the ESCs' different roles, it is interesting to note the possibility introduced in 2008 in the case of the Economic, Social and Environmental Council of France: if they have the support of at least 500 000 French citizens, people can exercise their right to petition the Council on any matter connected to economic, social or environmental issues.

Councils with a legislative advisory role are undoubtedly in the majority in Europe. However, some also – or exclusively – play a coordinating role (the Netherlands), or provide information on strategic issues relating to the economy (Ireland).

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<sup>46</sup> CALVO ORTEGA, R., *Estado Social y participación asociativa*, Aranzadi, Pamplona, 2009, p. 85.

## 6. INSTITUTIONS FOR DIALOGUE AND GOVERNANCE. AN INSTRUMENT OF PARTICIPATORY DEMOCRACY

Currently, states are becoming increasingly complex and societies are becoming more diverse all the time. In our area of interest, this complexity and diversity can be seen in the increasingly dynamic and far-reaching interests expressed by citizens, whose calls need to be taken into account by public authorities. From the perspective of governance, this broad situation is viewed as a complex task: identifying issues, proposing solutions and implementing measures and taking decisions in an effective and efficient way are certainly challenging.

Therefore, dialogue between people who hold different views, discussion and attempts to reach consensus are necessary in a democratic system. These all form part of how the economic and social councils work every single day. It follows that as sometimes opposed or rival interests are represented in the ESCs, the representatives of these various interests need to talk to each other in order to be able to take decisions, and for a debate to happen in the first place. This is why the councils have often been described as institutionalised forums for dialogue<sup>47</sup>. They are expected to provide a setting for committed and lively participation, with dialogue as the fundamental working method. This dialogue generally bears fruit and gives rise to positive outcomes. These positive results are reflected in consensual documents taking the form of opinions, reports, resolutions, statements, etc. The Economic and Social Council of Slovenia is a prime example: all its decisions are unanimous, meaning that negotiations on a particular issue continue until consensus is reached or, alternatively, until the previously set deadline for reaching consensus.

Many councils allow dissenting votes to register disagreement with all or part of a resolution.

As has been seen, the councils are institutions set up for the sake of dialogue, to foster the "dialogic democracy" written about by Giddens<sup>48</sup> – and ultimately to be a place where different positions can come together and reach a consensus. This dialogue is commonly known as "social dialogue", a characteristic shared by the vast majority of councils and even highlighted in some councils' founding statutes, such as the Economic and Social Council of Greece and the councils of Romania, Poland, Malta and the Czech Republic<sup>49</sup>.

Social dialogue is a political and legal notion that has recently been becoming more widespread, emphasising negotiations in the social field or, at least, in labour relations, and involving an exchange of views between both sides of industry and a willingness to reach similar positions. In any case, social dialogue is further-reaching than consultation, as it entails the presence of the public authority<sup>50</sup> as an additional party to the dialogue.

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<sup>47</sup> DURÁN LÓPEZ, F., (Coord.), *El Diálogo social y su institucionalización e España e Iberoamérica*, Consejo Económico y Social, Madrid, 1998.

<sup>48</sup> GIDDENS, A., *Más allá de la izquierda y la derecha. El futuro de las políticas radicales*, Ediciones Cátedra, Madrid, 1996.

<sup>49</sup> In Greece, Article 82(3) of the constitution. In Romania, Article 1(2) of the law governing its organisation and functioning (Law 222/2015 of 24 July). In Malta, Article 5(3) of Law XV of 2001. In Poland, the Social Dialogue Council is the name of the institution created by the law of 24 July 2015. In the case of the Czech Republic, it is clearly incorporated into Article 1 of the statutes.

<sup>50</sup> SCHMITTER, P.C., "La concertación social en perspectiva comparada", in ESPINA, A. (Comp.), *Concertación social, neocorporatismo y democracia*, Madrid, 1991, p. 67.

Since their very inception, the economic and social councils have been dedicated to dialogue and to reaching agreement. However, given the above-mentioned distinctions, the national economic and social councils are either institutions in which the executive is a constituent part, or are institutions where the government is not a central part of the dialogue process. In the first case, consultation often takes place within the council; in the second case, the council plays a primarily advisory role, leaving consultation to other bodies.

By the same token, some EU Member States distinguish between two types of dialogue according to the participants: thus it is customary to speak of "social dialogue" when the participants are social organisations, primarily trade unions and employers' associations, while the concept of "civic dialogue" is used when other civil society actors are involved. For countries that make this distinction, civic dialogue has a wider scope, helping to pinpoint civil society's position on economic and social policies. It takes place in this form in the Economic and Social Council of Bulgaria, which addresses issues related to civic dialogue; meanwhile, social dialogue is handled by the National Council for Tripartite Cooperation.

Councils, as tools for dialogue, also play a crucial role within the new ways of exercising power, or "governance". This term – nowadays quite frequent – reflects a more horizontal way of exercising power which increases dialogue among stakeholders and steps up citizens' involvement in the decisions that affect them. It is, therefore, a style and a specific method of managing public affairs that enables public and private figures to get involved. The councils have a major role to play: in a way, they channel society's desire to take part in political processes without the need to come together in an organisation such as a political party.

Meanwhile, it is well known that there is public apathy in some European countries, and a certain suspicion of institutions, which are viewed as being remote from citizens and as operating behind their backs and without taking their interests into account. Thus it is worth considering the possibilities offered by the economic and social councils as a refuge for economic and social interests and a safe haven where citizens can participate via their own organisations. A stable structure, such as the councils, can be used to strengthen ties between citizens and institutions, and to increase (as Rosanvallon would put it) legitimacy and, in turn, trust in institutions<sup>51</sup>, as economic and social councils and similar bodies can have a real impact on public decision-making, thus fostering participatory democracy and acting as a complement to representative democracy. Ultimately, these institutions can improve the quality of democracy, which is why they have sometimes been described as a bridge between organised civil society and the institutions<sup>52</sup>.

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<sup>51</sup> ROSANVALLON, P., *La legitimidad democrática. Imparcialidad, reflexividad y proximidad*, Paidós, Madrid, 2010.

<sup>52</sup> The European Economic and Social Committee – many aspects of which have been imitated by the national economic and social councils – is a good example in this regard, as it describes itself as "a bridge between Europe and organised civil society".

## 7. CLASSIFICATION OF THE ECONOMIC AND SOCIAL COUNCILS

The literature provides some models of the economic and social councils; we could mention here the brilliant classifications drawn up in the early 1990s by Ojeda Avilés<sup>53</sup> in Europe and Villavicencio Ríos<sup>54</sup> in America. But the EU Member States' economic and social councils have changed since these classifications were published. In my view, this justifies rethinking the models, although we have to keep in mind that it would be possible to come up with any number of comparative classifications. In any case, the following classifications are suggested, together with their results.

- a) An initial and obvious classification is the **territorial jurisdiction** in which the council can act. In Europe, there are supranational councils – such as the European Economic and Social Committee and the Economic and Social Committee of the Greater Region – and national, regional and/or local councils.
- b) Another method of classification must take into account the **legal nature** of the council. Today, a distinction can be made between economic and social councils that are specifically recognised in their country's constitution, as in Portugal, France, Italy, Greece, Romania, and, according to some of the literature, Spain; those economic and social councils based only on a legal provision and established by law, as in Ireland, Belgium, the Netherlands, Denmark, Luxembourg, Malta, Poland, Hungary, Bulgaria and Finland; and those that have been established by means of a formal agreement – e.g. Slovakia, Slovenia, Croatia, Lithuania and the Czech Republic – or by an informal agreement, such as in Austria.

It therefore seems that economic and social councils have more of a constitutional status in southern European countries, as well as in France and Romania. Another remark is that the vast majority of countries do not make provision for them in their constitutions, and that councils set up by means of an agreement predominate in Eastern Europe.

The following consists of brief remarks about the economic and social councils that are recognised in their countries' constitution:

### *Italy*

The most important legal basis for the National Council for Economics and Labour is the Italian constitution of 1947 (Article 99). It survived – nominally, at least – the referendum of 4 December 2016, which proposed constitutional reform and, more relevantly for our purposes, the abolition of the council. The legal provision – which does not need to be quoted verbatim here – stipulates that the institution must be made up of experts and representatives of the productive sectors, according to their size and qualitative importance, as established by law. Similarly, it sets out the body's advisory nature in relation to parliament and the government in matters entrusted to it by law; notably, it grants the right of legislative initiative, thus enabling the council to contribute to national social and economic legislation.

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<sup>53</sup> OJEDA AVILÉS, A., "¿Qué Consejo Económico y Social?", in OJEDA AVILÉS (Coord.), *Los Consejos Económicos y Sociales*, Trotta, Madrid, 1992, p. 93-112.

<sup>54</sup> VILLAVICENCIO RÍOS, A., "Los Consejos Económicos y Sociales en los países europeos", in OJEDA AVILÉS (Coord.), *Los Consejos Económicos y Sociales*, Trotta, Madrid, 1992, p. 53-71.

### *France*

The 1958 constitution of the French Fifth Republic contains three articles on the Economic and Social Council (Articles 69 to 71), which were amended in the 2008 reform to change the name to the Economic, Social and Environmental Council, set a maximum number of members (233), and enshrine citizens' right to petition. It stipulates that the council is a body that advises the government on draft laws, ordinances and decrees, and is a body that advises the government and parliament on any economic, social or environmental issues. From among all these different tasks, it is worth noting that the constitutional text itself states that a member of the Council can be designated to present, to the houses of parliament, the Council's opinion on the drafts or proposals submitted to it.

### *Portugal*

The Economic and Social Council of Portugal was not mentioned in the original version of the constitution from 1976. It was the constitutional reform of 1989 that first included this body, in Article 95; meanwhile, the reform of 1997 put the council in its current location of Article 92.

The Economic and Social Council is stipulated to be an advisory and consultative body in the domain of economic and social policy, and is invited to take part in drafting the major options and economic and social development plans, and any other functions allocated to it by law. The constitution stipulates that it include representatives of the government; organisations that represent workers, economic activities and families; the autonomous regions; and local authorities.

### *Greece*

The Greek Economic and Social Council, created in 1994, is more recent. However, it was enshrined in the constitution with the 2001 reform of the constitution of 1975: the Economic and Social Council was written into Article 82(3), which sets out its mission to conduct social dialogue in relation to economic and social policies, as well as with regard to legislative bills and proposals.

### *Romania*

Similarly, Romania has a constitutionally enshrined Economic and Social Council (CES). Article 141 of the Constitution of 1991, as revised in 2003, defines it as a consultative body advising the parliament and the government in areas defined by the relevant organic law.

### *Spain*

Finally, in Spain there is an interesting discussion in the literature about the constitutional significance of the Economic and Social Council (CES), which was set up by law in 1991. There are differences of opinion as to whether this council complies with Article 131(2) of the Spanish Constitution. There are, in my opinion, convincing arguments for believing that the current council is not based on this

constitutional provision, in that its membership, powers and the intentions of the legislative authorities, as reflected in parliamentary debates, differ from those set out in the Constitution<sup>55</sup>.

On the other hand, some councils have been established by law without any express constitutional provision; these constitute the great majority. Others, however, are the result of agreements between different entities. Thus, the Economic and Social Council of Slovenia (ESS) was set up under the Agreement on Social Policy signed in Ljubljana on 25 April 1994 by representatives of workers, employers and the government, and this forms the main legal basis for the Council, establishing it as the main body for consultation and coordination of the social dialogue in Slovenia.

Similarly, the Council of Economic and Social Agreement (RHSD) of the Czech Republic was set up under a 1990 agreement between the executive and social organisations and is today the main body for negotiation between employers, workers and the government with the aim of arriving at agreements on essential socio-economic questions. In Croatia social dialogue is cross-cutting and, although the Labour Code allows for the possibility of creating such a body (i.e. it has a legal basis), it was set up under the agreement between the government, trade unions and employers' associations. In the Slovak Republic the Council for Economic and Social Partnership (HSV SR) arose as a result of the pact between the government and a number of legal entities in the socio-economic field including representatives of employers and workers. The Tripartite Council of the Republic of Lithuania (LRTT) was the result of a tripartite agreement based on ILO provisions on tripartite consultations. And, finally, in Austria the country's highly neo-corporatist model of industrial relations resulted in the Advisory Council for Economic and Social Affairs (BWS) being set up on the basis of an informal voluntary agreement between four large industrial groups.

- c) The size of the councils' **membership** varies from large (France, 233), via medium-sized - the great majority - (ranging from Portugal, 66, to Ireland, 32) to small (ranging from Denmark's Economic Council, 26, to Croatia's Social Partnership body (SP), 14).
- d) In accordance with their **membership and representative structure**, there are four main models of ESC. On the one hand there is the joint or bipartite model, where only workers' and employers' organisations are represented. Another model is a bipartite model with the addition of experts or members of the government administration, which is not truly tripartite.

The third model is tripartite in nature, i.e. representatives of the government, employers' organisations and trade unions. The fourth and final model can be termed multipartite, with various national socio-economic sectors and interests represented.

- The first type, the **bipartite**, includes the two Belgian councils, so that both the National Labour Council (CNT-NAR) and the Central Economic Council (CCE-CRB)

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<sup>55</sup> For clarification see Pérez Anaya, R. M., "La institucionalización del diálogo social: los Consejos Económicos y Sociales", in González Ortega, S., García Murcia, J., Elorza Guerrero, F., (Coords.), *Presente y futuro de la intervención pública en las relaciones laborales y de seguridad social: libro homenaje al profesor Fermín Rodríguez-Sañudo Gutiérrez*, Labour Relations Council of Andalucía, No. 47, Seville, 2011, pp. 203-222.

have a bipartite membership consisting of workers' and employers' representatives only.

The National Labour Council, which is limited to advisory task and collective bargaining, has equal, cross-sectoral membership, with thirteen representatives of employers' organisations and thirteen workers' representatives. The Central Economic Council, which deals with economic issues, is also a bipartite, with 27 members from each side.

- Other councils are made up of **representatives of workers and employers but also include experts**. These include the Austrian BWS (16 members of social organisations and five experts), the Luxembourg Economic and Social Council (CES) with 36 representatives of employers' and workers' organisations and three experts, and finally the Netherlands Economic and Social Council (SER) with eleven experts, none of whom represent the government or its administration.
- A third way to categorise councils by representative structure is the **classic tripartite** model. This includes all councils where only employers, workers and the government are represented. This type includes the councils of the Czech Republic, Poland, Lithuania, Slovenia, Croatia, Malta and Finland.

The Czech Republic's RHSD is currently a body engaged in tripartite negotiation, which aims to achieve agreement on important socio-economic issues. It has 22 members (eight representing the government, and seven each for employers and trade unions). Croatia's SP is also a tripartite body. It has four representatives each from social organisations, the government having more representatives. Lithuania's LRTT has 21 members, seven per group. Poland's Social Dialogue Council (RDS) has 59 members representing the same three interest groups. Malta's Council for Economic and Social Development (MCESD) has five representatives each of employers and workers, with the rest of the members coming from the government. Slovenia's tripartite ESS has equal representation of the three interest groups. Finland's Economic Council (VNK) also has representatives of the government, employers' organisations and trade unions.

- Finally, there are a number of councils, the majority, based on a **multipartite** model of socio-economic interests, as is the case in Spain, Italy, Ireland, Hungary, Denmark and Greece, and especially Portugal, Romania, France and Bulgaria. All these states have representatives of many interests in their councils, although some, like Ireland, have fewer - representatives of employers, trade unions, arable and livestock farming organisations, voluntary organisations, environmental and civil servants' organisations and various other interests.

We shall begin with **Bulgaria's** Economic and Social Committee (ISS). Briefly, this is an independent advisory body giving a voice to civil society organisations on issues related to national economic and social development; it is known as a "*civil parliament*", bringing together diverse interests. The institution has 36 members

divided into three groups, the first two representing employers and workers respectively, while the twelve members of the third group represent farmers, cooperatives, craftsmen, consumers, women, the environment, organisations of people with disabilities, pensioners and welfare service providers, with two experts from the fields of economic and social policy.

**Portugal** has a constitutional text, referred to above, that specifies a minimum of interests to be represented, such as workers, employers, regions and local authorities, although, as the Constitution requires, the actual membership is determined by the law. Thus, this council, which has 66 members, currently represents the following interests: the government, workers, employers, regional and local authorities, experts and various interests, including, inter alia, protection of the environment, consumer protection, social solidarity, family associations, universities, young entrepreneurs, family-based agriculture, gender equality, people with disabilities, tourism and the financial sector.

**Romania's** CES has the same characteristics. Among its 45 members and three groups there is significant participation by civil society associations, such as human rights organisations, health and people with disabilities, social services and poverty eradication, rural and environmental organisations, professional and academic associations, consumer protection, the professions, farmers, pensioners and other NGOs carrying out activities in the CES's areas of responsibility.

But it is **France's** Economic, Social and Environmental Council (CESE) that most closely fits this model. Its 233 members are divided among different and conflicting interests. Thus, there are members representing workers in general and in particular those working for private companies, as well as representatives of trade, services, farmers, craftsmen, the professions, public undertakings, mutual associations and other interests such as family associations, foundations, youth and students, and experts in economics, sports and culture. There are also members of associations for nature protection, including hunting associations.

- e) It is also possible to classify councils according to the other institutions with which they maintain close **cooperative relations** or a functional link. There are, for example, ESCs with a functional relationship to government, such as those of Spain, Luxembourg, Poland, Malta, the two Danish councils, the consultative councils and Ireland, through the prime minister. On the other hand there are others (the majority) that have as close a relationship to parliament as to the government - the ESCs of Belgium, Slovenia, Romania, Greece, France, Slovakia, the Netherlands, Hungary, Bulgaria, Portugal and Italy.

Luxembourg's CES, for example, is a permanent consultative body to the government, tasked with studying, either on its own initiative or at the request of the government, national economic, social and financial issues. On the other hand, the Netherlands' SER is an advisory body to the government and the parliament, as well as a supervisory body for standards, but essentially an adviser to the executive and legislature on the broad outlines of socio-economic policy.



- f) Another classification system is based on **functions**. The vast majority are essentially consultative, some exist in order to solve conflicts, some have powers of legislative initiative and others are for consultation and tripartite pacts.

Consultation is a very significant task of ESCs. This consultative role, as seen above, involves expressing an opinion on documents, normally draft legislation, on economic and social policies.

In addition, ESCs, which generally perform other functions, such as proposal, recommendation or analysis, may have other distinctive functions. Belgium's National Labour Council (CNT-NAR) resolves labour disputes and finalises collective agreements, which are an important source of Belgium's obligations. In Poland's Social Dialogue Council (RDS) the employers' and workers' groups can conclude multi-company collective agreements that are binding on their members, they can submit joint applications for the approval or amendment of rules relating to the country's economic and social development, the improvement of competitiveness or social cohesion. Italy's National Council for Economics and Labour (CNEL) also has the power of legislative initiative, submitting contributions to the chambers of parliament and the government in areas within its remit in the form of a draft law.

The Netherlands' SER, apart from being a consultative body, is also a supervisory authority for trades and standards, and is thus a co-determination, supervisory and advisory body. Supervision of mergers between companies, promotion of regulation between entrepreneurs and consumers, and worker participation in businesses. There are ESCs that are mainly dedicated to consultation and the conclusion of - usually tripartite - pacts, such as Portugal's CES, the constituent bodies of which include a Standing Committee on Social Consultation, which, interestingly, is consulted before the guaranteed minimum monthly income is determined.

- g) In terms of their **discussion methods**, some ESCs have to achieve consensus, while others do not always. Some councils require full consensus before expressing an opinion, while others operate on the basis of a majority.

Ireland's National Economic and Social Council (NESC), for example, takes all its decisions by consensus, while Spain's CES operates by majority.

## 8. CONCLUSIONS

1. From a historical perspective, it was during the second half of the nineteenth century that a debate, initially intellectual and then political, began in Europe on the position of socio-economic interest groups in the public arena, with different sections of the political spectrum contributing ideas about the institutional representation of these groups.

Thus, very different political groupings have over the last two centuries advocated the representation of civil society organisations in the machinery of the State, entailing the representation not only of political interests but also those of the economic, social, cultural and regional interest groups that make up society.

2. The representation of socio-economic interest groups is today recognised in constitutional law; thus individual citizens can ensure that their interests and situation in society are recognised through civic participation via the socio-economic groups to which they belong. This kind of representation is closely linked to social democracy, which involves the participation of intermediary groups and bodies in the machinery of government.
3. The purpose of representation of interests is to communicate sectional or group interests to government bodies, while political representation is concerned with general interests. Similarly, political representation is incompatible with mandatory instructions, while interest representation is tied to the interests of a group. Moreover, recent European history shows that interest representation can be seen as a complement to, or substitute for, political representation.
4. Economic councils, and economic and social councils and similar institutions, are some of the vehicles most often chosen by EU Member States as a form of socio-economic interest representation to give a voice to interest groups, as an alternative to including them in political representative bodies, thus improving social harmony and productivity and enhancing democracy.
5. The first economic council was set up in Germany under Bismarck, and the first with constitutional backing was established by the German Constitution of 1919 as a consultative body made up of various socio-economic interest groups from the whole country in a democratic system. Following the establishment of this first economic council, the States of Europe set up councils involving economic and social stakeholders, initially during the inter-war period but particularly after the Second World War, when economic and social councils were officially established as neo-corporatist institutions *par excellence*.
6. The economic and social councils are institutions which represent the main socio-economic - i.e. sectoral and sectional - interests, to ensure that their views are taken into account by the decision-making bodies seeking to act in the general interest. These institutions thus do not replace democratic decision-making bodies but are, rather, specifically intended to complement the institutions of representative democracy.

7. The economic and social councils active in Europe have different characteristics. Each council is unique in terms of its membership and functions.

From the point of view of their legal nature, some councils are enshrined in national Constitutions, some (the majority) have been established by non-constitutional laws and some even by pacts or agreements between social interest groups, or between these and the government.

8. Their membership is a key distinguishing feature. The Councils are made up of representatives of the socio-economic groups that each Member State considers particularly important and worthy of representation. A few of them only include the most representative employers' associations and trade unions, but the vast majority include other vocational interests and social interest groups.

The distribution of seats in the councils is controversial, as it clearly reflects the intentions of the political authority by which the council was established. I believe that economic and social councils should be a faithful reflection of the economic and social interest groups of the State, providing stable, institutionalised participation with the backing of the social organisations.

9. Economic and social councils are institutions typical of European neo-corporatism, and through them interest organisations cooperate with public authorities on socio-economic issues. Such collaboration may involve a form of consultation leading to binding pacts, or an advisory role with non-binding opinions and criteria. In the latter case, these bodies advise the main institutions of the State: the parliament, the government and other decision-making bodies.

10. Economic and social councils are a tool that helps to build trust between citizens and the public authorities, forums for participation and consultation of the social partners and organised civil society, which have contributed and continue to contribute to achieving key objectives such as greater social cohesion, higher productivity and the socio-economic development of States. Their activities and decisions can be used by governments and parliaments as a social thermometer to measure public support for their legislative proposals. The consensual nature of their decisions makes it possible to strengthen social dialogue between interest groups with positions that are by definition divergent, and the agreements they achieve are of fundamental importance for socio-economic progress and democratic stability. Finally, they facilitate citizen participation in public life and are, therefore, an instrument of participatory democracy and a promoter of good governance.

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