

## AMENDMENT FORM

### Suggestion for amendment of Article III-101: SOCIAL POLICY

By Ms / Mr : Mr Dimitrij Rupel

Status : - Member

- Alternate

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#### Article III-101 (ex Article 139)

1. Should management and labour so desire, the dialogue between them at Union level may lead to contractual relations, including agreements.
2. Agreements concluded at Union level shall be implemented either in accordance with the procedures and practices specific to management and labour and the Member States or, in matters covered by [Article III-99 (ex 137)], at the joint request of the signatory parties, by ~~European regulations or decisions adopted by the Council of Ministers on a proposal from the Commission~~ European framework law.

Where the agreement in question contains one or more provisions relating to one of the areas referred to in [points (c), (d), (f) and (g) of Article III-99(1) (ex 137(1))], the Council of Ministers shall act unanimously.

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#### Explanation:

This amendment follows the provisions of the Maastricht Treaty, that have enabled the transformation of autonomously made agreements between organisations of workers (ETUC) and organisations of employers (UNICE and CEEP/EUAPME) into a directive adopted by the Council of ministers on a proposal of the Commission. In practice this has been the case three times: Framework Agreement on Parental Leave - 396L0034 Directive of the Council 96/34/EC, June 2 1996; Framework Agreement on Part Time Works - 397L0081 Directive of the Council 97/81/EC, December 15 1997; Framework Agreement on Fixed Term Work - 399L0070 Directive of the Council 1999/70/EC, June 28 1999).

We believe that the appropriate type of the legal act to transform the content of Framework Agreements between social partners into law of the EU should be European framework law (legislative act) and not European regulations or decisions (non-legislative acts) adopted by the Council of Ministers on a proposal from the Commission. It is necessary that Framework Agreements do not loose the chance to become a legislative act binding, as to the result to be achieved, on the Member States to which it is addressed.