

AMENDMENT FORM

Part III - title III - Chapter III:

Suggestion for amendment of Article : III-99

By Members: Mr Andrew Duff

Article III-99 (ex Article 137)

1. With a view to achieving the objectives of [Article III-98 (ex 136)], the Union shall support and complement the activities of the Member States in the following fields:

- (a) improvement in particular of the working environment to protect workers' health and safety;
- (b) working conditions;
- (c) social security and social protection of workers;
- (d) protection of workers where their employment contract is terminated;
- (e) the information and consultation of workers;
- (f) representation and collective defence of the interests of workers and employers, including co-determination, subject to paragraph 5;
- (g) conditions of employment for third-country nationals legally residing in Union territory, *without prejudice to the competence of Member States to establish the numbers of third-country nationals to access their labour markets*;
- (i) equality between men and women with regard to labour market opportunities and treatment at work;
- (j) the combating of social exclusion;
- (k) the modernisation of social protection systems without prejudice to point (c).

2. To this end:

- (a) a European law or framework law may establish measures designed to encourage cooperation between Member States through initiatives aimed at improving knowledge, developing exchanges of information and best practices, promoting innovative approaches and evaluating experiences, excluding any harmonisation of the laws and regulations of the Member States;

- (b) in the fields referred to in paragraph 1(a) to (i), a European framework law may establish minimum requirements for gradual implementation, having regard to the conditions and technical rules obtaining in each of the Member States. Such European framework law shall avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings.

In all cases, the European law or framework law shall be adopted after consultation of the Committee of the Regions and the Economic and Social Committee.

3. By way of derogation from paragraph 2, in the fields referred to in paragraph **1(c) and (f)**, the European law or framework law shall be adopted by the Council of Ministers acting unanimously after consulting the European Parliament, the Committee of the Regions and the Economic and Social Committee.

The Council of Ministers may, on a proposal from the Commission, adopt a European decision making the ordinary legislative procedure applicable to paragraph 1, (f) and (g) of this Article. It shall act unanimously after consulting the European Parliament.

4.

Explanation:

1(g). The competence for deciding the volume of third-country nationals to access national labour markets should remain within the Member States as it affects a key element of integration policy of the Member States. The Union should establish the common rules for access, however.

3. There seems to be a consensus in the Convention that more progress is needed at the EU level to protect the situation of sacked workers in the single labour market.