

AMENDMENT FORM

Suggestion for amendment of Article : III-266

By Mr : Emilio GABAGLIO

Status : Observer

Part III

Amendment : Art. III-266 para. 4a

Insert after para. 4 a new para. 4a:

“Social partners may institute proceedings to review the validity of and interpret agreements and European framework laws referred to in Article III-101 paragraph 2. Before exercising its jurisdiction the European Court of Justice should refer the matter to the signatory parties inviting them to give an opinion.”

[Note: In respect of Article III-101 para. 2 an amendment has been tabled aimed at replacing ‘a European decision’ by “a European framework law”.]

Explanation (if any) :

Promoting the role of social partners (Article I-47) is particularly important in the context of access to the European Court of Justice in the specific fields of agreements concluded between the social partners and its implementing measures, the European framework laws (see Article III-101 para. 2 following the amendment to replace ‘a European decision’ with “a European framework law”). The role of the Social Partners in respect of opinions is specifically mentioned in Clause 4(6) of the Parental Leave Agreement.¹

¹ “Without prejudice to the respective role of the Commission, national courts and the Court of Justice, any matter relating to the interpretation of this agreement at European level should, in the first instance, be referred by the Commission to the signatory parties who will give an opinion.”