

Working Group XI

Working Document 16

Working Group XI “Social Europe”

**Subject: Comments on paragraphs 4 to 7 of the Mandate
by Mrs Helle Thorning-Schmidt**

Members of Working Group XI on “Social Europe” will find hereafter a paper by Mrs Helle Thorning-Schmidt, alternate member of the Convention.

Contribution from Helle Thorning-Schmidt to the working group XI on social Europe

Question 4: The role on the open method of co-ordination

The open method of co-ordination should be written into the new constitutional treaty and made more democratic, transparent and efficient.

The European Parliament (EP) must be involved formally at all stages of the process. The EP should take an active part in the initial stages of open co-ordination where objectives, guidelines and indicators are agreed. But the EP could also be playing a vital role in the follow-up and surveillance procedures. E.g. the EP might be given the powers to ask national ministers to come to the EP to explain what their country has done to live up to the agreed objectives.

Question 5: Which link could be established between economic policy and social policy co-ordination.

Referring to the current article 99 in the Treaty, it should be stressed that the guidelines of the overall economic policy should be harmonised with the employment guidelines. It should be made clear that the purpose of the general economic guidelines is to promote growth and employment as well as stability.

Furthermore, a better co-ordination between the work of the economic affairs council and the social council should be introduced.

Question 6: To what extent should co-decision and qualified-majority voting be extended to matters for which unanimity is currently required?

Qualified majority voting by the Council should be the general rule, also in the social field. This means that in the social- and employment policy where unanimity is the rule today, Art. 137, 1 litre c), d), f) and g), qualified majority voting should be introduced. However, the exemption in Art. 137,5 should be kept.

Also, it should be stressed that in cases of annulment of working contracts, Member States should be able to make the basic choice whether workers should be protected by longer term of notice or by for instance a high quality system for unemployment benefit (Art. 137, 1 litre d). Furthermore, Member States should also be able to choose how they represent the interest of workers and employers. The EU should not decide how Member States choose to set up national systems of negotiation between the social partners. However, the EU could decide on minimum standards for representation when it comes to trans-national systems of negotiation (Art. 137, 1 litre f). In addition, it should be made clear in Article 137 where the EU can introduce supporting measures and how the social partners can be involved.

There is also a need for QMV in other policy areas with relevance for welfare provisions. Tax policy is one example. Minimum regulations should be the rule.

Question 7: The role of the social partners

The European industrial relations system - the rules for negotiation, of implementation of, and compliance with cross-national or European collective agreements - must be strengthened. A conflict resolution mechanism must be created. At the same time it should be made clear that the EU respects national differences in systems of collective agreements.

A hearing procedure should be established so that the Commission automatically hears the social partners when it presents new initiatives for legislation.

Also the comitology procedures must be revised to allow social partners to participate in programme committees in areas where the treaties delegate a special role to social partners.

The social partners and the national parliaments should take a more active part in the open co-ordination method.

When relevant, the European social partners should also be able to present a case for the European Court of Justice.

Finally, the social tripartite summits prior the spring meetings of the European Council should be formalised.