

Working Group XI

Working Document 19

## **Working Group XI “Social Europe”**

**Subject:**    **Comments on paragraphs 4 to 7 of the Mandate  
by Mr Henrik Dam Kristensen**

Members of Working Group XI on “Social Europe” will find hereafter a paper by  
Mr Henrik Dam Kristensen, member of the Convention.

## **Convention on the Future of Europe: Working Group on Social Europe**

### **Comments on questions 4-7 of the mandate of the working group**

**by Henrik Dam KRISTENSEN**

**member of Working Group XI and of the Convention, appointed by the Danish Parliament**

#### **4. What role could the open method of co-ordination play, and what place should it be given in the constitution treaty?**

The open method of co-ordination has proved its worth as a valuable supplement to directive regulation – not least in the employment and social policy area. It is, however, important to stress that it cannot replace necessary legislation. The obvious strength of the method is that member states may take inspiration from each other through benchmarking and exchange of best practice, thereby improving efforts in the individual policy areas.

In connection with the enlargement of the EU it would be natural to direct even more attention to the open method of co-ordination. Firstly, it may prove difficult with 25 member states to find the common denominator necessary for joint regulation in the form of directives. Secondly, the method is suitable for areas in which member states have quite different starting points, as the specific results to be achieved by each country within a given period have been adapted to that country's circumstances and do not require achievement of a certain minimum level within a specified period of time.

Against this background, I recommend that the open method of co-ordination be incorporated in the convention treaty as a generally applicable method in areas which, according to the treaty, fall under the competence of the EU. The tool should be used as an alternative and supplement to regulation within the EU's area of competence, taking into consideration the special circumstances applicable to the individual policy areas.

Attention should also be directed to the possibilities for improving the method. The method could, despite its designation, very well be more open. Thus, greater efforts should be made to involve the European Parliament and strengthen the role of the social partners in the process. Likewise, efforts should be made to embed the method more broadly by involving civil society, including at the local level.

#### **5. What type of coherence could be established between the coordination of economic policies and the coordination of social and labour market policies?**

The coordination between the two policy areas impacts the development of citizen welfare. This stresses the importance of careful consideration with respect to improving the coordination of the two policy areas. It is crucial that the guidelines for the overall economic policy agree with the employment guidelines based on a competitive and stable European economy, see, *inter alia*, the Lisbon strategy.

Efforts are currently being made to ensure better coherence between the coordination of the two policy areas. On 3 December 2002, the Council (employment ministers) and ECOFIN decided to streamline the existing coordination processes, that is, the processes concerning overall economic

policy guidelines and guidelines for employment. The spring meeting of the European Council will be pivotal in this respect.

There is in this connection potential for further improvement by involving the social partners more actively in the cooperation, including not least through macro-economic dialogue, and by further involving the European Parliament.

**6. As regards procedures, to what extent should the common decision-making procedure and qualified majority voting be extended to areas that currently require unanimity?**

The enlargement of the EU has highlighted the need for more operational decision-making procedures, as a too far-reaching use of unanimity might block the EU's competence to pass resolutions.

Therefore, qualified majority and joint decision-making with the European Parliament should be the general rule in article 137.

However, there are exceptions, including in particular article 137(1)(d) and article 137(1)(f).

The meeting of the European Council in Nice in 2000 discussed whether a number of articles – articles 13, 42 and 161 – should be comprised by the rules on voting by qualified majority and joint decision-making. A first step could thus be to include in the considerations the areas which were in play in connection with that meeting but on which no final decision was made.

**7. Section VI of the preliminary draft constitution treaty concerns the Union's democratic life. Should the role of the social partners be included in section VI and, if so, to what extent?**

Section VI of the treaty concerns the democratic life of the Union and includes, *inter alia*, the principles of openness and citizen involvement.

The social partners play a special role and have special impact on the decision-making process in the EU. This should also be reflected in the section on the democratic life of the Union. Thus, my reply to the question whether the role of the social partners should be incorporated in the treaty is positive.

Specifically, I suggest that reference be made in article 34 of the draft treaty text, which defines the principle of proactive democracy based on citizen involvement, that is, participatory democracy, to the special role of the social partners.

It is essential in this connection that the relevant parties are capable of filling their roles. It is likewise essential that the social and civil dialogues are not mixed. The social dialogue consists of the dialogue between the social partners themselves and the dialogue between the social partners and the Council/governments, whereas the civil dialogue consists of the dialogue between NGOs and the Council/governments.

As far as the social summit is concerned, the scheme should be determined in terms of the treaty – not least to remove any authority problems in relation to article 202.