

Working Group XI

Working Document 20

Working Group XI “Social Europe”

**Subject: Comments on paragraphs 4 to 7 of the Mandate
by Mr Emilio Gabaglio**

Members of Working Group XI on “Social Europe” will find hereafter a paper by Mr Emilio Gabaglio, observer to the Convention.

WORKING GROUP ON SOCIAL EUROPE

Comments by Emilio GABAGLIO

On questions 4, 5, 6, 7 of the Group Mandate

Question 4:

In the employment/social policy areas “policy coordination” has been initiated with the so-called Luxembourg process (following the introduction of a Title on Employment in the Amsterdam Treaty in 1997).

Later, in 2000, the Lisbon Council introduced the “open method of coordination” which is now starting to be applied to social inclusion and to social protection.

In contrast to the Luxembourg process, this new method has no legal basis in the Treaty.

In view of the fact that the Luxembourg process has proved its worth over the last five years, the method of policy coordination should now be recognised in Part One of the new Constitutional Treaty as a “general” EU decision making instrument, with the details of its contents and procedures being dealt with in Part Two.

The method should be applied in policy areas where primary responsibility remains with Member States (social protection and pensions; social inclusion; education and training, public health ...)

However, the “open method of coordination” must not be considered as a substitute for EU legislation when this is required, for example, for setting minimum social standards.

For the operational definition of the open method of coordination reference to the language of art 128 (Luxembourg process) could be of help.

Parliamentary scrutiny, both European and National, should be envisaged as well as a wide-ranging consultation process in particular with the social partners at all levels (see Final report of WG VI Economic Governance).

Question 5:

After Lisbon 2000 the annual Spring European Council is intended to lay down the EU's general political orientations on economic, employment, social and sustainability policies.

To ensure this outcome the existing processes do not need to be merged but to be made more coherent and interdependent . Recent Commission proposals (August 2002) go in the right direction, providing for the synchronisation of the different economic and employment cycles.

Parliamentary scrutiny at European and national levels, as well as Social Partners involvement need to be reinforced. In this respect, it should be noted that the European Social Partners in their joint submission to the Laeken European Council (2001) proposed that “the standing Committee on Employment be replaced by a tripartite concertation committee for growth and employment which would be the forum for concertation between the Social Partners and the public authorities on the overall European strategy defined in Lisbon. In addition to its specific work on the broad economic policy guidelines, on the employment guidelines and on structural reforms, this Committee would examine the Community's overall economic and social strategy ahead of the Spring European Council”.

In response to these proposals the Laeken European Council agreed “... that a Social Summit of this kind would in future be held before each Spring European Council (point 40 of the Presidency Conclusions).

Such a Summit took place prior to the Barcelona Spring Council in 2002.

In view of implementing the Laeken conclusions the Commission has recently submitted a proposal which is under consideration by the Council.

The Constitutional Treaty should provide for such a Social Summit to take place in relation to the Spring European Council.

Question 6:

The case for extending qualified majority voting linked with EP co-decision across the board in a number of policy areas is longstanding. It will be even more necessary in an enlarged European Union.

This applies also to the adoption of minimum requirements in the areas of Art 137 where unanimity is presently required.

Exception could be made for “Social Security and social protection workers” although the technical coordination of social security systems (Reg 1408/71; art. 42 of the Treaty) should also be decided by qualified majority voting.

Question 7:

Reference to the Social Partners (Management and Labour) must definitely be made in the Constitutional Treaty:

- in view of the role they play in economic governance, labour market, and social policy in all Member States, including in the new ones: since a number of policy decisions in these areas are taken at European level, this transfer of responsibility must be matched by a comparable Social Partners involvement at the same level;
- taking into account the existing “acquis” represented by the EC Treaty provisions (including the recognition of the Social Partners role as “co-regulators” on labour market related issues. - (Art. 137-139).
- bearing in mind that after Lisbon the European Council is constantly calling on the Social Partners (Management and Labour) to contribute to the implementation of the EU overall economic, employment and sustainability strategy.
- considering the current practice of involving the Social Partners in economic governance procedures such as the Macro-Economic dialogue (since Cologne 1999), the Luxembourg

employment process (since 1997), and, the Social Summits associated with the European Council meetings.

In view of the above, Social Partners (Management and Labour) should be referred to in:

- Part One of the Constitutional Treaty (Title VI: the Democratic life of the Union) through a specific article based on the following language
“The EU recognise and promotes the involvement of the Social Partners in the economic and social Governance process. The EU promotes and support social dialogue between the Social Partners (Management and Labour)”;
- Part Two of the Treaty, where the obligation to consult and involve the Social Partners should be indicated, with reference to concrete policy areas and procedures as appropriate.
Existing provisions on social dialogue should also be maintained.
Reference should be made to Social Summit as indicated in response to question 5.

Finally, although separated from the Social Partners related provisions, reference should be made in the Constitutional Treaty (Title VI, Part one) to the general principle of extensive and structured consultation of civil society organisations by the EU Institutions to promote openness, good governance and citizens involvement.