

Working Group XI

Working Document 21

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

**Subject:**    **Comments on paragraphs 4 to 7 of the Mandate  
by Mr Filadelfio Guido Basile**

Members of Working Group XI on “Social Europe” will find hereafter a paper by  
Mr Filadelfio Guido Basile, alternate member of the Convention.

#### **4. What role could be given to the open method of coordination and what would be its place in the Constitutional Treaty?**

As it clearly emerged during the December 5 debate on the report of the Working group on simplification, there is not an agreement as far as the inclusion of the open method of coordination in the Constitutional treaty is concerned. The perplexities seem to me to be partly justified, as the open method of coordination must grant a rapid reaction to new challenges in areas that do not fall into the Union's competences, and an excessive formalisation of the method itself would compromise its necessary flexibility when applied to different legislative fields.

I'm personally favorable to the inclusion of the open method in the Treaty as a significant and useful way to an enhanced cooperation between member States; I also share the Working Group on simplification's stress on the necessity of avoiding any confusion between the open method and the coordination competences conferred to the Union in the economic and employment fields. Even though I think the open method of coordination ought to be applied to some specific areas (for instance, education and professional training), I'm against both any listing of such areas in the new Treaty and any specification of general methods to be applied to any of those areas.

#### **5. What relationship can be established between the coordination of economic policies and the coordination of social policies?**

As I already said in my answers to questions 1-2 of the mandate, the incorporation of the Charter of fundamental rights into the Treaty almost naturally implies a stronger emphasis on the social dimension of the EU. Such an emphasis ought to be translated into a strengthening of the link between the coordination of economic policies and the promotion of a higher degree of social integration. I personally think that this strengthened link could be reached through a better equilibrium and a fuller coordination between the annual definition of the Broad Economic Policy Guidelines and the Employment Guidelines. This enforced coordination could find in the Spring European Council its natural outcome, but it should also be duly considered when redrafting the articles of the Treaty dealing with economic and social policies.

I also agree with M.me Andreani on the necessity of a better association of the European Parliament to the elaboration of employment policies through its consultation on the annual report, but I also think that an analogous, improved association ought to concern National parliaments.

In our last meetings, many members of the Group have also stressed the importance, for territorial and social cohesion, of access to services of general economic interest, and have

suggested that the new Treaty should include a specific mention of quality of public services as an integral part of the EU economic and social policies. Even though I'm not personally against such an inclusion, I also think that any mention in the Treaty should not interfere with the Member States' right to find specific ways of securing the access to such services without compromising their own systems of property ownership.

**6. Regarding procedures, to what extent should co-decision and qualified-majority voting be extended to matters for which unanimity is currently required?**

As a previous member of the Working Group on simplification, I completely agree with its conclusions according to which codecision with qualified majority must be considered the quintessential EU legislative procedure, with limited and well-argued exceptions. Consequently, I do not think the Nice compromise - opening the possibility for the Council to unanimously decide to render co-decision applicable to the four matters where unanimity is still required - can be considered enough. I suggest that co-decision with qualified majority should directly apply to the representation and collective defence of the interests of workers and employers and to the condition of employment for third-country nationals. As far as the fields of social security and the protection of workers are concerned, the political sensibility of the matter could justify the application of the Nice compromise, unanimity being a norm that it remains up to the Council to modify.

**7. Title VI of the preliminary draft Constitutional Treaty deals with the democratic life of the Union. Should the role of the social partners appear in Title VI and, if so, what should this role be?**

I agree that social partners should be specifically mentioned under Title VI and that their role ought to be enhanced. I do not think that a clearer definition or a rigid listing of who and what the social partners ought to be would be of any help. In this as in so many other aspects of the EU architecture, rigidity must be banned. As far as the modalities of the social partners' association to the EU legislative process are concerned, I think that, as for the economic and social policies, they ought to be consulted by the Commission before presenting any proposal in those fields. They could thus provide a think-tank making the Union and its laws much nearer to workers as well as to common citizens.