

Working Group XI

Working Document 28

Working Group XI “Social Europe”

**Subject: Comments on paragraphs 4 to 7 of the Mandate
by Mr Hans Martin Bury**

Members of Working Group XI on “Social Europe” will find hereafter a paper by Mr Hans Martin Bury, alternate member of the Convention.

**Contribution by Hans Martin Bury on questions 4 – 7 of the mandate
of Working Group XI on Social Europe (CONV 421/02)**

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

The open method of coordination is a particularly close form of political cooperation among the member states which, in keeping with the Lisbon conclusions, has now been used in various fields of policy. It is applied in very different modes. This makes it possible to develop tailor-made procedures for the field of policy in question taking into account distinctive national features. This method is particularly well-suited for those areas in which regulation is neither desired nor possible, in which the member states are nevertheless striving to achieve a greater degree of coherence. In view of the principle of subsidiarity, however, national scope for action and competences should not be restricted.

Anchoring the open method of coordination in the Treaty is not necessary as it merely serves to foster the voluntary pursuit of common goals and, in legal terms, will remain in a non-binding framework not subject to jurisdiction. Moreover, the promotion of cooperation is already sufficiently codified by the new version of Article 137 of the Nice Treaty.

Question 5: What relationship can be established between the coordination of economic policies and the coordination of social policies?

The Lisbon summit established that the three areas of policy – economic policy, employment policy and social policy – are elements of equal importance in achieving the strategic goal of making the Union the most competitive and dynamic knowledge-based economic area in the world by 2010 – an economic area capable of sustainable economic growth with more and better jobs and greater social cohesion. Interlinking these three areas of policy is the prerequisite for achieving the ambitious goals of Lisbon and for making progress along this path in the European Union involving the accession candidates.

It was agreed at the Lisbon European Council that "other Council formations should contribute to the preparation by the ECOFIN Council of the Broad Economic Policy Guidelines." The relevant agreements between ECOFIN and other Councils are welcome and should be swiftly implemented.

Question 6: Regarding procedures, to what extent should codecision and qualified-majority voting be extended to matters for which unanimity is currently required?

In the framework of the convention, we support qualified-majority voting as the general rule though exceptions should remain possible in narrowly defined cases.

Question 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?

If reference is made in Title VI of the draft Constitutional Treaty to individual groups or institutions with which the European Union is engaged in a structured dialogue, then the social partners should be mentioned. Their role should be to conduct the social dialogue (Article 139 of the TEC).