

THE EUROPEAN CONVENTION

THE SECRETARIAT

Brussels, 31 March 2003

CONV 653/03

CONTRIB 290

COVER NOTE

from :	Secretariat
to :	The Convention
Subject :	Contribution submitted by Mrs Lena Hjelm-Wallén, member of the Convention: - "Open method of coordination – a draft Treaty Article"

The Secretary-General of the Convention has received the attached contribution from Mrs Lena Hjelm-Wallén, member of the Convention.

Open method of coordination - a draft Treaty Article**Article XX**

1. Member States may apply an open method of coordination to coordinate national policies and otherwise cooperate to achieve Union objectives. Coordination according to this method is not aimed at harmonizing laws and regulations of the Member States.¹
2. The open method of coordination may be applied where the Union has no legislative powers, or where the Union has powers to establish minimum requirements through European framework laws^{2,3}. This article shall not apply where coordination is specifically regulated in the Treaty.⁴
3. Application of the open method of coordination can include:
 - setting common goals and timetables;
 - establishing indicators;
 - regular monitoring and evaluation;
 - exchanges of information and best practices;
 - other measures designed to increase coordination between Member States.⁵
4. The Council may, acting unanimously, on a proposal from the Commission and after consulting the European Parliament, the Economic and Social Committee and the Committee of the Regions, decide on the application of the open method of coordination.⁶

¹ Setting the framework of OMC (coordination, not harmonization).

² I have previously in the Convention expressed my opinion that this instrument shall be referred to as EU framework laws.

³ Areas open to OMC are defined along the lines of the conclusions reached by WG XI.

⁴ The objective is to exclude sectorial coordination regulated in articles 99, 104 and 128 in the present treaty from the application of OMC. Coordination in a more general sense, as defined e.g. in articles 155, 157 and 165 in the present treaty, is of course not excluded.

⁵ A non-exhaustive list of measures that can be applied within OMC. Since one of the main purposes of OMC is flexibility such a list could be deemed unnecessary. This list does, however, have a clarifying and explanatory function, which I believe is of importance. The measures listed have all previously been used within the framework of OMC.

⁶ A decision in principle must be taken before OMC is applied to a new area. In this decision the European Parliament, the Economic and Social Committee and the Committee of the Regions are consulted.

5. On the basis of the decision referred to in paragraph 4, the Council, acting by a qualified majority on a proposal from the Commission, shall determine more closely how to apply the open method of coordination. To ensure a flexible application, this decision shall be adapted to the particular policy area as well as to national and regional conditions.¹
-

¹ In the second decision, the Council determines more precisely on how to apply OMC to a specific area.