

EUROPEAN PARLIAMENT

2004



2009

Committee on Employment and Social Affairs

2004/2129(INI)

23.11.2004

OPINION

of the Committee on Employment and Social Affairs

for the Committee on Constitutional Affairs

on the draft Treaty establishing a Constitution for Europe
(2004/2129(INI))

Draftsman: Jan Andersson

SUGGESTIONS

The Committee on Employment and Social Affairs calls on the Committee on Constitutional Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Considers that, whilst it had envisaged further progress on certain issues, the Constitution (Constitutional Treaty) is still a clear improvement on the present Treaties, and welcomes its innovations pertaining to a Social Europe;
2. Regrets that it has proved impossible, in the area of social policy, to agree on a general method for voting by qualified majority in the Council of Ministers and for an orderly legislative procedure;
3. Underlines the importance of a Constitution that facilitates a balance between social rights and the functioning of the internal market, while laying the foundations for progressive development of the European Social Model; underlines in that connection the importance of the new horizontal clause in the third part of the Constitution, under which the Union is required to comply in all its areas of competence with the most important social objectives and to strive to secure their implementation;
4. Expresses its satisfaction that the values, principles and objectives of the Constitution provide a solid basis underpinning a Social Europe by including in particular, on the basis of a social market economy with full employment, the promotion of social justice and protection, equality between women and men and the combating of social exclusion, poverty and discrimination;
5. Points out, however, that the social cohesion striven for in part I is not matched in part III by the necessary expansion of European options for acting to secure its implementation; is disappointed that employee pay, the right of association and the right of strike and lockout continue not to be subject to Community law;
6. Welcomes the integration into the Constitution of the Charter of Fundamental Rights and the very clear signal that that sends to citizens, especially as regards the worker's right to information and consultation and to take collective action, notably to strike;
7. Regrets that, despite the strengthening of the vital role of the social partners by the recognition of the social dialogue and the Tripartite Social Summit, the social dialogue has not been further developed;
8. Welcomes the introduction of the instrument of the 'European Citizen's Initiative', under which an issue can be placed on the agenda of the EU Commission on submission of one million signatures;
9. Emphasises that social policy is expressly recognised as a shared competence and points to the introduction of a Union obligation to take into account the promotion of a high level of employment, adequate social protection and the fight against social exclusion and

discrimination, in accordance with Article 13 of the EC Treaty, when defining and implementing its policies;

10. Expresses its satisfaction that a legal basis is provided for services of general economic interest;
11. Welcomes the new and equal balance struck in the co-ordination of employment and macroeconomic policies; is, moreover, satisfied with the acceptance of the procedure under the open-coordination method for social policy whereby the coordination of economic and employment policy will take greater account of the commitment to social inclusion, sustainable pension schemes and high-quality care systems;
12. Expresses its satisfaction with the extension, albeit limited, of qualified majority voting in the field of social policy, in relation in particular to services of general economic interest and social security for migrant workers; regrets the right of Member States to request that the matter be referred to the European Council;
13. Regrets that there has been no agreement on introducing trans-national rights for workers and trade unions and that the paramount objective of full employment is not consistently pursued throughout the Constitution;
14. Emphasizes the fact that Union action in the social policy field does not restrict Member States in their efforts to maintain and further their own, more ambitious social and welfare models;
15. Expresses its satisfaction that the Constitution (Constitutional Treaty) sets out specific measures to be taken by European Union bodies and Member States in the field of employment.

PROCEDURE

Title	Draft Treaty establishing a Constitution for Europe		
Procedure number	2004/2129(INI)		
Committee responsible	AFCD		
Enhanced cooperation	-		
Draftsman Date appointed	Jan Andersson 20.9.2004		
Discussed in committee	20.9.2004	6.10.2004	23.11.2004
Date suggestions adopted	23.11.2004		
Result of the final vote	for:	36	
	against:	8	
	abstentions:	0	
Members present for the final vote	Jan Andersson, Roselyne Bachelot-Narquin, Jean-Luc Bennahmias, Emine Bozkurt, Philip Bushill-Matthews, Milan Cabrnoch, Alejandro Cercas, Ole Christensen, Derek Roland Clark, Luigi Cocilovo, Fausto Correia, Jean Louis Cottigny, Ottaviano Del Turco, Harald Ettl, Richard Falbr, Ilda Figueiredo, Stephen Hughes, Ona Juknevičienė, Sepp Kusstatscher, Jean Denise Lambert, Raymond Langendries, Bernard Lehideux, Elizabeth Lynne, Thomas Mann, Mario Mantovani, Jan Tadeusz Masiel, Jiří Maštálka, Ria Oomen-Ruijten, Csaba Óry, Marie Panayotopoulos-Cassiotou, Jacek Protasiewicz, José Albino Silva Peneda, Jean Spautz, Anne Van Lancker, Gabriele Zimmer		
Substitutes present for the final vote	Richard James Ashworth, Edit Bauer, Mihael Brejc, Marian Harkin, Magda Kósáné Kovács, Jamila Madeira, Marianne Mikko, Elisabeth Schroedter, Eva-Britt Svensson, Marc Tarabella, Patrizia Toia, Georgios Toussas, Anja Weisgerber, Tadeusz Zwiefka		
Substitutes under Rule 178(2) present for the final vote	Carlos José Iturgaiz Angulo		