Opinion of the Economic and Social Committee on the ‘Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on a Social Policy Agenda’

(2001/C 14/16)

The President of the Employment and Social Policy Council, Mrs Aubry, asked the Economic and Social Committee, by letter of 26 July 2000, for an opinion on the above-mentioned communication.

The Section for Employment, Social Affairs and Citizenship, which was responsible for preparing the Committee’s work on the subject, adopted its opinion on 3 October 2000. The rapporteur was Mr Bloch-Laine.

At its 376th plenary session held on 19 October 2000, the Economic and Social Committee adopted the following opinion unanimously.

INTRODUCTION

1. On 28 June 2000 the Commission addressed a Communication on a European Social Policy Agenda to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions. The French Presidency has asked the ESC to issue an opinion on this document.

2. The Committee warmly welcomes this referral because of the importance of the matters raised in the document. At issue is a strategy which, if pursued, would represent a significant stage in the construction of Europe in two main respects. Firstly it would mark, in an innovative way, the importance of social policy, which is no longer considered to be an area at odds with, and subordinate to economic policy, but is seen as a factor contributing to efficiency and industrial strength. Secondly it would define, again from a new angle, a set of objectives, a strategy and a timetable. Such a project is at the very heart of the ESCs consultative role; moreover we would not have objected to being involved in the Commission’s work at an earlier stage.

3. The Committee believes that the social agenda provides the opportunity to follow an essential, but inevitably difficult trajectory. It will be necessary — from the outset and thereafter — to make the right choices, moving forward at a realistic pace, as well as avoiding ambiguity, misunderstandings or disagreements liable to disrupt or permanently interrupt, indeed condemn, the process.

4. The Committee feels that its most useful role at present is not to pronounce its views on every single theme and action in the Commission communication; this can be done later. At this stage the Committee considers it more judicious to draw up a concise opinion consisting of a general assessment and some proposals.

As a consequence:

— the assessment marks its wholehearted approval of the communication;

— the proposals are intended to improve the balance of the document with regard to a few points.

1. APPROVAL

1. General comments

1.1. The Commission’s document bears the hallmarks of the conclusions of the Lisbon Summit. The Committee has long been trying to promote and strengthen the role of social policy as a productive factor. It is therefore delighted to see that the text establishes this as a ‘guiding principle’ and targets the mutual strengthening of economic and social policies as one of the main objectives. The Committee agrees with this approach which views social cohesion and investment in improved well-being and human capital as a durable basis for collective efficiency and competitiveness. The Committee welcomes the emphasis placed on the pursuit of quality, which is of crucial importance for the future and identity of Europe.

2. The open method of coordination

2.1. The Committee supports this approach. It has already proved its worth, in particular with regard to employment policy (the Luxembourg Process) as well as the preparatory work for the Social Protection Committee. This method needs to involve all stakeholders in a reasonably structured and responsible way. The ‘open method of coordination’ must not be an exercise confined to experts. Instead it must aim — and fortunately the document recommends this — to maximise the contribution which can be made by practitioners from civil society organisations. The Committee is prepared to assist by, for example, supporting the work already underway on
social protection and social exclusion. With regard to the latter, the Committee feels that the Commission could do more to develop innovative and practical approaches on the ground, of an exemplary nature, based on concerted action between the various stakeholders and run as part of a network.\(^1\).

2.2. The Committee fully supports the objectives of the sections on EMPLOYMENT and the QUALITY OF WORK. To achieve these objectives it is necessary to establish mutually recognised quantitative and qualitative indicators. The Committee has already called for more effective participation by the social partners in the drawing up of national plans. It approves the measures proposed in the communication in this regard, as well as the emphasis placed on the local and regional dimension.

3. The social dialogue

3.1. The Committee welcomes the importance attached by the Commission to the 'Social Dialogue' as an instrument for modernising industrial relations, adapting work organisation and striking an appropriate balance between flexibility and security. (In this context the Committee approves the proposal to set up a reflection group on the future of industrial relations.) This is essential with regard to the theme of 'Anticipating and managing change'. The Committee supports the idea of inviting the social partners to develop — entirely independently — their own initiatives in their areas of responsibility.

4. Legislative and non-legislative instruments; the role of civil society organisations

4.1. The Committee is pleased to note the communication's balanced approach to the question of legislative and non-legislative Community instruments. It welcomes the fact that the Commission wishes to ensure the development and respect of fundamental social rights in close cooperation with civil society. It is also pleased to note the prominence given to legislative proposals aimed at combating discrimination, and the impending adoption of the CHARTER OF FUNDAMENTAL RIGHTS.

4.2. The proposal to codify and simplify occupational health and safety legislation, in conjunction with a communication on a new Community strategy on health and safety at work is also a sound approach.

4.3. The Committee notes that another example of a balanced approach is the highly challenging topic of supplementary health insurance.

5. Preparing for enlargement and promoting international co-operation

5.1. The Committee agrees fully with the Commission's concern to prepare for enlargement under conditions of balanced economic and social development. The transition and reform process already undertaken by the applicant countries since the late 1980s has been accompanied in most cases by a significant rise in unemployment and a worrying deterioration in the quality of social protection and health care. Meeting the acquis communautaire in the field of social policy poses a major challenge for the enlargement process. In this connection the Committee welcomes the commitment made by the Employment and Social Policy Council of 9 March 1999 to reinforce the employment and social policy aspects of the Phare programme. It is however clear that a smooth transition to enlargement requires structured, committed participation from the social partners and civil society organisations as a whole in the applicant countries. The Commission's attempts to promote a social and civil dialogue in these countries must be backed by measures to mobilise all stakeholders. The Economic and Social Committee can continue to play a key role in this respect through the various joint consultative committees and the economic and social councils in the applicant countries as well as through the exchanges, expertise and liaison networks which it promotes. The approach advocated by the Social Policy Agenda, as well as the specific actions proposed, are entirely consistent with this. In the meantime, the promotion of international cooperation proposed by the Commission, and the encouragement to ratify the ILO conventions must be underpinned by development strategies and close cooperation between the applicant countries and the European Union. Equally, the procedural obstacles within the European Community to the ratification of the various ILO conventions (including convention No 170 of 1990 on chemical products), for which competence is shared between the Member States and the European Community, should be removed.

II. PROPOSALS

One of the main difficulties presented by this type of document referred to the Economic and Social Committee is to ensure a dynamic balance. The Commission's communication reflects this concern in a way which deserves to be highlighted and congratulated.

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\(^1\) See the ESC opinion on Combating social exclusion.
With a view to ensuring a balanced approach, the Committee wishes to make the following proposals:

1. The question of enlargement could be dealt with in more depth from one aspect: several of the new and future members of the Community must develop their social systems in a short space of time. If the transition to a market economy is not to be perceived by the peoples of these countries as an exercise in economic investment at the expense of social investment, the change needs to be accompanied by considerable training efforts aimed at promoting employability.

2. Greater emphasis needs to be placed on the balance to be struck with regard to the mutual strengthening of economic and social factors. This implies, as stressed by the Commission, ‘the positive and dynamic interaction of economic, employment and social policy’, and the forging of a political agreement which mobilises all key actors to work jointly towards the new strategic goal (1) to be assessed in the short- and medium-term.

3. With regard to health and safety, greater emphasis could be placed on the importance of a preventive approach and continual training.

4. It is agreed that in the years to come Europe will have to take in a greater number of immigrants. This prospect presents both a major and a major challenge. By virtue of the influx of people, it will provide a demographic boost and an improvement in the productive capacity of European economies. However, the challenge will be to integrate people from very different cultures into our societies in a harmonious way. Multi-ethnic integration is never straightforward; it requires careful and sufficiently early preparation of social policy, particularly with regard to access to employment, vocational training and social protection systems. This point, which concerns preparatory action, should receive greater emphasis.

5. The Committee is pleased to note that a more targeted, thought-provoking and empowering employment guideline has now been introduced in order to improve the employment rate among older workers (2), without which the objective set by the Lisbon European Council of raising the overall employment rate as near as possible to 70 % by 2010 cannot be achieved. This also requires a more participatory approach in order to bring about a change in attitudes and to raise awareness among both companies and employees. The Committee therefore urges the Commission to promote, in conjunction with the Member States, an extensive information and awareness campaign to help generate a positive attitude to the role which can be played by older workers in companies or services, in both the private and public sector. This campaign could be accompanied by specific instruments involving the public authorities and the social partners, which are already underway in several Member States.

6. The Committee is pleased to note that occupational health and safety is included among the employment guidelines. The guidelines should be supported by examples of best practice, along the lines of the benchmarking system currently used to back up existing guidelines. The Committee feels that this guideline should be accompanied by information and awareness campaigns, and training and benchmarking initiatives based on the most useful examples, particularly as regards social partner practice (3). Nevertheless, the Committee regrets that the agenda does not place greater emphasis on occupational health and safety.

7. With regard to the role attributed to ‘civil society organisations’, the document does not pay sufficient attention to ASSOCIATIONS. These carry out important work — often under difficult conditions and with limited resources — to promote inclusion and social cohesion, particularly at the local and regional levels. They mobilise people and harness their energy and inventiveness. They forge a social bond which is based on a different notion of solidarity to that of public authorities and profit-making companies.

8. The Committee feels that ‘the Charter must be more than a solemn declaration; it must constitute a genuine political, social and civil commitment’. The Committee is of the view that, above all, the Charter must be an open and participatory process at the Community level in which civil society organisations can put their views and ensure that the rights and obligations enshrined in the Charter are fully respected and implemented. At an institutional level, the Committee believes that it represents civil society organisations at the European level and should therefore be formally accorded advisory status in line with its remit in such an integration and revision procedure (4).

(3) ESC own-initiative opinion on Towards an EU Charter of Fundamental Rights.
III. CONCLUSION

It is likely, indeed probable, that the adoption of a 'social agenda' would represent a water-shed, rather than just another stage in the construction of Europe. This is shown by the Commission's document. The Committee's present and future wish is to train the spotlight on this new trajectory and to help make it as successful as possible.

Brussels, 19 October 2000.

The President
of the Economic and Social Committee
Göke FRERICHS

Opinion of the Economic and Social Committee on the 'Initiative of the French Republic with a view to adopting a Council Regulation on the mutual enforcement of judgments on rights of access to children'

(2001/C 14/17)

On 27 July 2000 the Council decided to consult the Economic and Social Committee, under Article 262 of the Treaty establishing the European Community, on the above-mentioned initiative.

The Section for Employment, Social Affairs and Citizenship, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 3 October 2000. The rapporteur was Mr Retureau and the co-rapporteurs were Mr Burnel and Mr Rodríguez García Caro.

At its 376th plenary session of 19 October 2000 the Economic and Social Committee adopted the following opinion with 106 votes in favour, one vote against and one abstention.

The Council has consulted the Economic and Social Committee on a proposal for a Council Regulation on the mutual enforcement of judgments on rights of access to children. This proposal, instigated by France, contributes to the gradual reinforcement of judicial cooperation in civil matters and its communitisation.

1. Introduction: judicial cooperation and the internal market

1.1. The internal market and the principle of freedom of movement create a need for judgments on civil and commercial matters given in one Member State to be recognised and enforced in another Member State, in the interests of legal certainty with regard to financial transactions, contracts, and the movement of persons, goods and capital.

1.2. One of the effects of the free movement of persons in the internal market is the creation of family relations between nationals or residents of different countries, between whom disputes may arise, particularly in the event of divorce, with regard to the exercise of parental authority, custody and rights of access to children. It is essential that judgments on such disputes given in one Member State be recognised and enforced in the other Member States by the competent judicial and administrative authorities.

1.3. The political will of states to reinforce the mutual recognition of judgments, particularly in civil matters, was clearly expressed in paragraph 34 of the conclusions of the Tampere European Council (15 and 16 October 1999). The proposal for a Regulation on rights of access to children is a direct result of this.

1.4. Various conventions between states have been drawn up on this subject, in accordance with the law of international conventions, the main two European ones being:

— The Brussels Convention of 27 September 1968 on Jurisdiction and the enforcement of judgments in civil and commercial matters and the Luxembourg Protocol of 3 June 1971 on the Interpretation of this convention by the European Court of Justice;