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**COMMUNICATION FROM THE COMMISSION**

**The European social dialogue, a force for innovation and change**

Proposal for a

**COUNCIL DECISION**

**establishing a Tripartite Social Summit for Growth and Employment**

(presented by the Commission)

## COMMUNICATION FROM THE COMMISSION

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### PROPOSAL FOR A COUNCIL DECISION establishing a Tripartite Social Summit for Growth and Employment

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## COMMUNICATION FROM THE COMMISSION

### The European social dialogue, a force for innovation and change

#### Executive summary

The social dialogue and the quality of industrial relations are at the centre of the European social model. At the Laeken and Barcelona European Councils and the preceding social summits, the Heads of State or Government, the social partners and the Commission emphasised the role of the social dialogue at all levels in promoting modernisation and change within the Union and in the candidate countries

The Treaty makes the Commission responsible for promoting and supporting the European social dialogue. In this Communication, the Commission fleshes out its views on the future of social dialogue both as a key to better governance of the enlarged Union and as a driving force for economic and social reform. It puts forward concrete measures aimed at strengthening the different levels and forms of social dialogue. This approach to social dialogue is based on the social partners' contribution to the Laeken European Council and the reflections of the High Level Group on Industrial Relations.

1. Social dialogue is the **driving force** behind successful **economic and social reforms**. The Lisbon strategy emphasises its role in addressing key challenges facing Europe, such as enhancing skills and qualifications, modernising work organisation, promoting equal opportunities and diversity and developing active ageing policies. Negotiations between the social partners are the most suitable way forward on questions related to modernisation and management of change.

In this context, the Communication:

- calls on the European social partners further to develop their autonomous dialogue and to establish joint work programmes, as highlighted in the Laeken declaration and supported by Heads of State or Government at the Barcelona European Council;
- calls on the social partners to implement the request made by the Barcelona European Council to submit an annual report on their contributions;
- supports reinforcement of the concertation between social partners and European institutions on economic and social policies, and proposes to set up a new "tripartite social summit" as a focal point for the social partners' contributions within the Lisbon Strategy;
- wishes to strengthen the social partners' involvement in the open coordination processes, including consultation of the social partners prior to the drafting of the proposal for employment guidelines, so that they can make a more effective contribution;
- encourages greater use of the technical assistance available for the social partners to enable them to report back on the implementation of the employment guidelines.

2. **Better governance of an enlarged Union** relies on the involvement of all actors in decision-making and also in the implementation process. Social partners have a

unique position within civil society because they are best-placed to address issues related to work and can negotiate agreements which include commitments. To promote the role of social dialogue in European governance, strengthen the link between the national and European levels and make the results of European social dialogue better known, particularly with a view to enlargement, the Communication tables a wide range of concrete proposals:

- organisation of "European Social Dialogue Conferences";
  - organisation of national round tables;
  - improved procedures for consulting the social partners on European initiatives to enhance the quality of European legislation and ensure it suits the needs of all actors involved.
3. **Preparing for enlargement.** The Communication underlines the vital role and the weaknesses of social dialogue in the candidate countries. Much has been achieved over the past decade with the support of Community programmes and initiatives. However, a lot remains to be done to strengthen the capacities of social partners and involve them in the accession process. The Communication identifies a number of ongoing and new measures of support.

## INTRODUCTION

Social dialogue is acknowledged to be an essential component of the European model of society and development, with high-quality social protection, investment in education and qualifications and reforms designed to improve dynamism in the economy<sup>1</sup>. The role played by the social dialogue is based on its original, unique format: the social partners represent in all respects the interests and problems of the world of work, ranging from working conditions to the development of continuing training and including the definition of wage standards. They are also entitled to conduct dialogue which may culminate in collective agreements on all the issues they cover.

The social dialogue is rooted in the history of the European continent, and this distinguishes the Union from most other regions of the world. Accordingly, in its various forms in the different Member States, the social dialogue is a component of democratic government and also of economic and social modernisation, as set out in the Lisbon strategy, the agenda that will take us to the end of the decade.

Attainment of the strategic goals set in Lisbon — full employment and reinforced social cohesion — depends to a considerable extent on the action taken by the social partners at all levels. They are best placed to take up the fundamental challenge of this strategy: the **positive management of change** which can reconcile the flexibility essential to businesses with the security needed by employees, particularly in the event of major restructuring. An ambitious, proactive social dialogue must therefore play a key role in meeting these challenges as a flexible, efficient, non-confrontational means for making adjustments and overcoming the obstacles to modernisation. That is why the Barcelona European Council of March 2002 called on the social partners to work at sectoral and local level towards those goals, notably by drawing up a multiannual work programme. In this role the social partners can build on the fruits of their achievements: European negotiations have resulted in agreements on parental leave, part-time work, fixed-term contracts and telework. But their role needs to be enhanced for the future, by developing fresh approaches to consultations on employment, economic policy and social protection and by introducing new ways of contributing to implementation of the economic and social reform strategy, particularly in the context of European coordination of employment policies.

As a driving force for modernisation of the European economy and the European social model, the social dialogue holds a crucial, unique position in the **democratic governance** of Europe. The active involvement of the social partners in the decision-making process of the Union and its institutions needs to be reinforced, as called for in the White Paper on European Governance<sup>2</sup>, through closer consultation on the basis of the procedures included in the Treaty as early as 1992. This is of special importance with a view to the forthcoming enlargement, as the system of social partnership and independent social dialogue in the candidate countries is relatively weak, particularly at sectoral level, and this is bound to affect the governance of the future enlarged Union.

Moreover, involvement of the social partners ties in with the thinking behind the Communication "A Project for the European Union" where the Commission singles out as one of the Union's fundamental tasks consolidating its model of economic and social development and securing prosperity while ensuring solidarity.

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<sup>1</sup> Conclusions of the Barcelona European Council, point 22.

<sup>2</sup> COM(2001) 428 final.

In the face of these challenges, decisive to Europe's future, the Commission is mindful of the special responsibilities conferred on it by the Treaty which give it the task of "...*promoting the consultation of management and labour at Community level and [taking] any measure to facilitate their dialogue...*"<sup>3</sup>. This Communication is underpinned by a rigorous, detailed study which associated experts and industrial relations players and by the social partners' contribution:

- in 2001 the Commission set up a *High-Level Group on Industrial Relations and Change*. Its remit was to assess the opportunities and challenges for industrial relations and key factors of success. Its report was delivered in February 2002;
- in a joint contribution for the Laeken Social Summit, the social partners defined the framework for a fresh stage in the social dialogue. This framework rationalises concertation within a new, single forum (the Tripartite Social Summit for Growth and Employment) and promotes bipartite social dialogue through adoption of a work programme.

The European social dialogue has arrived at a crossroads. It has considerable scope for action, extended further by the prospective enlargement and the back-up it requires. It is a vehicle for core values of participation and responsibility based on firmly-rooted national traditions and provides a suitable framework for managed modernisation, also in the candidate countries. To take on this role properly at European level, it needs, however, to broaden its practices, diversify its operational methods and use to best advantage the entire bargaining area. This Communication lays a groundwork for strengthening social dialogue in an enlarged Europe.

## **1. THE SOCIAL DIALOGUE, A KEY TO BETTER GOVERNANCE**

Within civil society, the social partners have a particular role and influence<sup>4</sup> which flow from the very nature of the subjects they cover and the interests they represent in connection with *the world of work*. Working conditions, definition of wage standards, continuing training, particularly in new technologies, organisation of work and working time to reconcile flexibility and security are a few examples of specific topics which the social partners, as representatives of employees and employers, are entitled to deal with. Implementation of the Lisbon strategy, based on an integrated economic and social policy agenda, has extended and recast the scope of the fields falling under their special responsibility. The Treaty also recognises the social partners' ability to undertake genuine *independent social dialogue*, that is to negotiate independently agreements which become law. It is that ability to negotiate agreements which sets the social dialogue apart. Lastly, the social partners may assume responsibility, at their request, for transposing directives into national law; the latter often include provisions such that they can be adapted to specific situations.

Independent dialogue between European organisations was launched in 1985, the beginnings of a genuine European bargaining area. New ground was broken with entry into force of the Maastricht Treaty which formalised the social partners' participation in the preparation of Community law. Today's European social dialogue covers these two essential functions: consultation and negotiation.

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<sup>3</sup> Article 138(1).

<sup>4</sup> White Paper on European Governance, page 14.

The Commission also supports the development of dialogue with other interested parties in civil society, notably NGOs. Following the White Paper on Governance, on 5 June 2002 the Commission adopted a Communication on “*General principles and minimum standards for consultation*” addressed to civil society which lists the areas, players and action to be taken in the consultation process. It is a response to the increasing demands for participation in the decision-making process and a way of better taking all aspects of problems into account by associating all interested parties.

**The social partners** should develop initiatives and specific cooperation with organisations which operate in all relevant fields.

The Commission wishes to promote and improve the contribution of the social dialogue to better European governance through a series of proposals covering areas of fundamental importance: improved *consultation*, social partners’ *representativeness*, tighter links and greater involvement at *different levels*, and *transparency* in dialogue.

### 1.1. Improving consultation of the social partners

The White Paper on European Governance stresses that efficient, transparent consultation of the parties interested in policy definition is a major factor in *improving the quality of legislation*. Article 138 of the Treaty provides for a compulsory two-stage consultation procedure: before presenting proposals in the social policy field, the Commission is required to consult the social partners on the possible *direction* of Community action; on completion of that first stage, if the Commission considers that Community action is desirable, it has to consult the social partners on the *actual content* of the envisaged proposal.

Since 1993, the social partners have been consulted 12 times (see Annex 3). Such consultation is unique and dual-purpose:

- the opinions of the interested parties can be taken into account and the impact of any legislation assessed. The Commission can thus formulate policies appropriate, in their form and substance, to the problems dealt with and incorporate the aim of social modernisation and improving companies’ competitiveness;
- the outcome may be independent social dialogue, multisectoral or sectoral, and ultimately, therefore, agreements which may subsequently be incorporated into Community law<sup>5</sup>. This is a practical application of the principle of social subsidiarity. It is for the social players to make the first move to arrive at appropriate solutions coming within their area of responsibility; the Community institutions intervene, at the Commission’s initiative, only where negotiations fail<sup>6</sup>.

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<sup>5</sup> Three topics have so far formed the subject of cross-industry negotiations and agreements implemented by means of directives: parental leave in 1995, part-time work in 1997 and fixed-term work in 1999. Two framework agreements on the organisation of working time in sea transport and air transport have been implemented in accordance with similar procedures. The agreement on telework concluded in May 2002 will be implemented, for the first time, in accordance with the social partners’ and Member States’ own procedures and practices.

<sup>6</sup> The Commission did so by adopting on 20 March 2002 a proposal for a directive on temporary work based on the consensus which emerged among the social partners despite the failure of their negotiations in May 2001.

**The Commission** intends to consult the social partners on the main initiatives having social repercussions.

It will set up an **interdepartmental working party** with the remit of drawing up an inventory of consultation methods and structures in place and helping to involve more closely all the departments concerned by activities connected with social dialogue.

It will draft an **internal code of conduct** on consultation with the social partners.

This compulsory, systematic consultation will, of course, be additional to the consultations within advisory committees or in the context of procedures aimed at garnering the views of interested parties, for example, through the adoption of a Green Paper. In areas where committees have been established (health and safety at work, vocational training, equal opportunities, freedom of movement for workers and social security for migrant workers), the Commission will continue to distinguish “social dialogue” consultation of the social partners under Article 138 of the Treaty from consultation in advisory committees.

This consultation in the early stages of Community proposals is supplemented by systematic consultation of the European social partners on transposal reports.

The legitimacy and effectiveness of the social-partner consultation is based on their *representativeness*. The requirements in respect of representativeness vary in accordance with the nature of the responsibilities conferred on the players; (they are limited in the event of simple consultation, but more binding where the social partners can lay down rules which become law). As part of its task of promoting the European social dialogue, the Commission has laid down rules<sup>7</sup>; in 1998 a study was conducted on the social partners’ representativeness<sup>8</sup> and its main conclusions confirm that the social partners’ European structures have become stronger.

In the context of enlargement, openness and cooperation between organisations will be especially important. The stance taken at Community level has already helped to bring about substantial progress in the organisation and setups of the European social dialogue players.

**The Commission** will:

- launch a fresh study on **representativeness**, to cover further sectors reflecting developments in the European economy and prepare studies on the intersectoral and sectoral social-partner organisations in the candidate countries;
- present an **amended list of organisations consulted under Article 138** of the Treaty (see Annex 1). It will adjust the list again if necessary if new social dialogue committees are set up and in the light of the results of the study on representativeness.

**The social partners:**

- are requested to **reinforce their cooperation**, particularly within sectors, to assure the best possible representation;

<sup>7</sup> COM (93) 600 final and COM (98) 322 final.

<sup>8</sup> It currently covers the following multisectoral organisations and sectors: textiles, distributive trades, construction, banking, insurance, postal services, telecommunications, road transport, air transport, rail transport, inland waterway transport, sea transport, electricity, agriculture, local public services, hotels, restaurants and catering, personal services.

– should continue improving their internal decision-making machinery in the context of enlargement, in particular for the purpose of establishing negotiating mandates and concluding agreements.

## 1.2. Raising the profile of the social dialogue

The contribution of the European social partners — at both multisectoral and sectoral levels — is little known and poorly publicised, above all the outcome and achievements of the social dialogue, including the agreements concluded since 1993 which have subsequently been converted into directives. Similarly, little is known about the results of the consultations organised by the Commission and the Council. The Commission believes it is important, particularly with a view to the forthcoming enlargement, that all the information on the players, forums and output of the European social dialogue should be readily accessible in all the Member States.

### The Commission will:

- set up an **Internet site** providing access, in all the Union’s official languages, to all information on the players, forums and output of the European social dialogue;
- support the organisation of **round tables in the Member States** to exploit the European contribution of the social dialogue;
- convene at regular intervals a “**European Social Dialogue Conference**” open to all national organisations involved in the European social dialogue;
- continue, in close liaison with the Dublin Foundation, publication of regular reports on **industrial relations in Europe**, reviewing the background to developments, presenting the results of research, developing indicators and making use of the appropriate statistical sources.

## 1.3. Strengthening the role of the social partners

The White Paper on European Governance highlights the need for more interaction between the European institutions, national governments, regional and local authorities and civil society, of which the social partners form part. Moreover, the social partners themselves are to be found at all levels where policies are brought into effect, from businesses right up to the European level and in branches and local areas; on that account, they are singular, inimitable players. The links between all these levels should accordingly be tightened.

### 1.3.1. *The European level*

The European social dialogue is becoming more diversified and broader in scope, particularly as a result of implementation of the strategy for economic and social reform decided upon in Lisbon and confirmed in Barcelona in March 2002. Massive, unceasing efforts have to be devoted to providing for information and study on the different partnership systems and practices in Europe. The forthcoming enlargement will further increase this diversity in the systems. The European and national social partners have felt the need for investment in training and have organised courses and programmes.

The Commission considers that, with the development of consultations on the various aspects of the Lisbon strategy, it is necessary to strengthen the capabilities of the players and to invest in joint training of the people who will be required to take up positions on the blueprints for the building of Europe.

**The Commission** requests the Dublin Foundation to organise **joint training sessions** open to representatives of the authorities and the social partners and thus foster partnerships on subjects relevant to the guidelines defined in Lisbon.

### 1.3.2. *The national level*

The social partners have been assigned a role in the implementation of directives under Article 137 of the Treaty. Most of the Community texts draw attention to this role in implementation by means of agreements at Community level.

In addition, many directives contain provisions allowing the social partners to adapt rules so as to take account of differences in national situations (for example, working time). In some cases, the social partners are directly requested to arrive through negotiation at responses to the goals set by Community directives (European works councils, statute for the European company).

The directives *on health and safety at work* call on the Member States to submit reports on their practical implementation which include the social partners' views.

**The Commission** will consult the social partners when preparing reports on the directives concerned.

### 1.3.3. *The local level*

Innovative solutions to employment development, combating exclusion and improving the quality of life and work are to be found at local level. Trial schemes with extended partnerships covering cities or employment areas have proven the effectiveness of such approaches which succeed only where the social partners are genuinely, deeply involved.

Special attention will be paid to participation by the regional and local social partners in the local development forum to be held in 2003.

**The Commission** will support:

- the **application of experience** gained in the context of the various Community programmes and initiatives;
- **information** operations targeted at the social partners (Internet site on local development);
- **dialogue** at local level.

### 1.3.4. *The company level*

European integration encourages companies to develop on a transnational scale. Reinforcing European or transnational dialogue among firms has become a fundamental challenge for tomorrow's Europe, particularly in regard to mobility, pensions and equivalence of qualifications.

The European group works councils established in more than 700 transnational undertakings in Europe following adoption of Directive 94/45/EC on European works councils provide a sound foundation. Many agreements bear out the contribution made by dialogue at this level to managing and anticipating change, by extending worker information and consultation to matters such as equal opportunities, training, mobility and environment policy and also, in some cases, by providing for negotiated commitments on the implementation of restructuring

and the management of industrial change. In such circumstances, the link between the company level and the more centralised levels of dialogue is crucial.

Furthermore, the promotion of business practices focusing on social responsibility paves the way for dialogue within companies.

In July **the Commission** will adopt a communication on corporate social responsibility which will help to enhance the social dialogue.

## 2. THE SOCIAL DIALOGUE, A FORCE FOR ECONOMIC AND SOCIAL MODERNISATION

The European social dialogue is a force which promotes **change** through its **positive** management, playing a part in the return to full employment. It can come up with responses that are appropriate, as they bring in new forms of flexibility and security, to the formidable challenges we face today such as developing lifelong learning, improving mobility, active ageing and also promoting equal opportunities and diversity. For that reason, the Barcelona European Council requested the social partners to report by December next on their contribution, at all levels, to the success of the European employment strategy.

The social dialogue has also taken on a new dimension with the advance of economic and monetary integration which fuels demand for dialogue, exchange and coordination in the area of industrial relations. The same holds good where Community action relates to questions raised directly by internationalisation.

The social partners are thus called upon to adjust their various practices — *concertation, independent social dialogue, their involvement in the different processes of the open coordination method* (employment, inclusion, social protection) — and to improve *the implementation and monitoring* of their results with the aim of improving the efficiency and raising the profile of their contributions to the Lisbon strategy.

There is a wide range of industrial relations models throughout Europe, each one reflecting the practices and traditions of an individual Member State: the abundance thus accumulated must be taken into account at European level. The contribution made by the social partners, in their diverse facets, reflects the differences in the national industrial relations systems and could be assessed and “standardised”.

**The social partners** should:

- **assess the contribution of industrial relations** to implementation of the Lisbon strategy;
- work out context, input and result indicators so as to develop genuine **benchmarking** of the quality of industrial relations in Europe.

**The Commission** will set up a **technical working party** comprising representatives of the social partners and the Member States to prepare for the introduction of such machinery for review and exchange.

### 2.1. Organising tripartite concertation

Fruit of the political desire closely to associate the social partners in the advances made in European integration, concertation is firmly rooted in Community practice.

Initially introduced in advisory bodies (cross-industry advisory committees), concertation gained strength and was extended during the seventies (establishment of the Standing Committee on Employment and tripartite conferences) to cover subjects connected with employment and the management of change.

The concertation has been extended in recent years to cover many more topics with the setting-up of the macroeconomic dialogue, the launching of the European employment strategy, work on social protection and monitoring the conclusions of the Lisbon European Council.

The employment guidelines are discussed at regular intervals by the Employment Committee and the social partners within the Standing Committee on Employment. The contributions of the individual players on economic and monetary policy are discussed at technical and political level within a “macroeconomic dialogue” established after the Cologne European Council. The exchange of views respects the individual responsibilities of the participants in the macroeconomic dialogue between the representatives of the Commission, the Council, the ECB and the social partners. These talks fulfil an essential role today and must continue to deepen and widen in scope within their respective forums. In line with the conclusions of the Cologne Presidency setting up the macroeconomic dialogue, the latter should remain confidential and informal and accordingly retain its independence.

In addition, twice-yearly meetings with the troika (Heads of State or Government), launched in 1997 by the Luxembourg Presidency, give the social partners the opportunity to put forward their positions on items on the European Council agenda. The Social Summits organised in March 2001 in Stockholm, December 2001 in Laeken and March 2002 in Barcelona have demonstrated the usefulness of and need for an integrated dialogue at the highest level. In their joint contribution to the Laeken European Council, the cross-industry social partners took the view that this level of concertation should be revised to improve the consistency between the various processes in which they are involved.

The Commission shares the social partners’ view that the reform of the Standing Committee on Employment in 1999 did not refocus the concertation between the Council, the Commission and the social partners on all the components of the Lisbon strategy. The twice-yearly meetings of the Standing Committee on Employment no longer allow for economic and social questions to be handled with a view to the Spring European Council.

The Commission believes that the establishment of a new **Tripartite Social Summit for Growth and Employment**, bringing together the troika, the Commission President and a restricted delegation of social partners and replacing the Standing Committee on Employment, will provide for an informal discussion on the social partners’ contribution to the Lisbon strategy. The Laeken and Barcelona European Councils endorsed this approach which has already been tried out at a number of summits.

Economic and monetary matters are dealt with in the context of the macroeconomic dialogue which should be pursued in accordance with its own procedures. The macroeconomic dialogue is thus not affected by this decision. However, consultations on employment and social protection should be reinforced through meetings with the ministers responsible for these fields and at technical level through structured dialogue with the Employment Committee and the Social Protection Committee.

## Bodies in place

### Macroeconomic dialogue

Pursuit of the dialogue in place at technical and political level

### Dialogue on employment

Adaptation of the dialogue in place at technical level (meetings with the Employment Committee) and political level (meetings at ministerial level) on all aspects of the European employment strategy

### Dialogue on social protection

Organisation of this dialogue in conjunction with the Social Protection Committee (the NGOs will be associated in aspects connected with the fight against exclusion)

New

## TRIPARTITE SOCIAL SUMMIT FOR GROWTH AND EMPLOYMENT

All these discussions will help to enhance the debates of the Tripartite Social Summit for Growth and Employment. An integrated discussion can thus be held before the Spring European Council and the contributions of all the areas concerned will be incorporated.

**The Commission** proposes to establish a Tripartite Social Summit for Growth and Employment and will see to the procedures for associating the social partners in its preparation and follow-up.

## 2.2. Boosting the social partners' involvement in the different aspects of the Lisbon strategy

The Lisbon strategy established a new tool for its implementation: the open method of coordination. Particularly suited to areas where the principle of subsidiarity is fully applicable, it provides a framework for action involving all levels and all players on a voluntary basis. It suggests approaches not in terms of means, but of objectives to be attained, and is based on a regular reporting schedule which allows for assessment of progress and construction of monitoring indicators. It applies, therefore, to many fields of interest to the social partners: employment, social inclusion, pensions, and soon, vocational training.

The social partners make a dual contribution to this process.

- On the guidelines and the process itself, the social partners are regularly consulted. The Commission suggests that **each area under the method of open coordination should form the subject of organised** dialogue with the social partners along the lines of the arrangements for the macroeconomic dialogue, more precisely, its dual setup at technical and political levels.

As for employment and social protection, the procedures for dialogue at technical and political level will be redefined in agreement with the **Employment Committee** and the **Social Protection Committee**.

**The social partners** should be fully involved in the preparation of these rules.

- On the content, the social partners are sometimes in a position to provide themselves responses to guidelines determined in the context of the open coordination method. This is particularly relevant as regards employment, notably in relation to the promotion of

vocational training, social protection, combating exclusion and modernising employment relations. The social partners have encountered some difficulties in taking up all the space offered to them, in adapting and disseminating in the Member States the guidelines adopted by the Council, in collecting information on initiatives taken in the Member States and in undertaking work on assessment and exchange.

The “Factors for Success” compendium issued by the cross-industry social partners in November 2000 gives practical examples of contributions to implementation of the employment guidelines; this interesting initiative should help the social partners at all levels to draw inspiration for their relations in the context of bargaining.

The European Social Fund (ESF) is the financial tool for supporting implementation of the employment strategy. The rules governing the European Structural Funds provide for social-partner involvement. They are represented on the monitoring committees (voting rights, deciding on selection criteria for projects, supervising implementation). Nevertheless, it has to be said that the social partners’ membership of these committees does not adhere to any standard formula. Bearing that in mind, the Commission suggests that **best practice** in this area **should be exploited and publicised**. In the context of the **mid-term evaluation of structural measures 2000–2006**, special attention will be paid to the operation of the partnership and, if necessary, the Commission will look into ways of reinforcing it.

**The Commission will:**

- consult the social partners in the course of its preparatory work on its proposal for the employment guidelines;
- step up the **technical assistance** made available to them for collecting, reviewing and discussing information on the implementation of these guidelines.

**The social partners:**

- are invited to work on their own contribution in the context of the European employment strategy;
- should respond to the invitation of the Barcelona European Council and present an **annual report** on their contributions to the Lisbon strategy at all relevant levels.

**The Member States** are encouraged to use part of their funds **earmarked for ESF technical assistance** to support operations by the social partners concerned with implementation and monitoring of the employment guidelines.

### **2.3. Extending and enhancing the social dialogue**

In the face of the challenges posed by European integration, globalisation, Europe’s new position in the world and enlargement, as well as the demographic and employment situations and the increased speed of innovation and technical change, industrial relations, which in the past have contributed to maintaining a balance and to the success of the European model, will have to be modernised and adapted apace.

#### *2.3.1 Strengthening the role and scope of negotiation*

In contributing to implementation of the European strategy for economic and social modernisation, the social dialogue can draw on experience and tools which have demonstrated their worth, both at sectoral and intersectoral level: the role conferred on the social dialogue by the 1993 Agreement on Social Policy is the most striking example. It

provides for mediation between the role of the public authorities and the place of negotiated agreements. The social dialogue should now expand its agenda, as requested by the Commission on numerous occasions (*see Annex 4*).

Along the lines of the initiatives developed successfully in most Member States, notably through pacts, the social dialogue can help to establish at European level a **favourable climate** for improving competitiveness, innovation and social cohesion. At the same time, it can help to guide the adaptation process in the candidate countries, offering avenues and strategic orientation for reforms.

The European social dialogue could constitute a **tool for the modernisation** announced at the Lisbon European Council for all key issues on the European agenda. Topics often raised include: preparing for entry into the knowledge society by recognising the vital role of lifelong learning and the acquisition of skills; incorporating mobility and career pathways into discussions on working conditions; active ageing; promoting equal opportunities; taking into consideration employment and wider access to the labour market, promoting sustainable development; incorporating quality as a factor in global performance both in aspects of work organisation and in health and safety, and also worker involvement and negotiated anticipation of change.

On all these issues the social partners are in a position, at European level, to mobilise a wide range of tools, from opinions to exchanges of good practices, from setting in place coordinated operations to the negotiation of agreements. In this way they can put forward **principles for action** which can associate all the levels concerned, taking account of the complexities and links between the areas.

The Commission takes the view that, as a rule, negotiation is the most appropriate means for settling questions related to work organisation and employment relations at both multisectoral and sectoral level. With that in mind, it believes that the agreement recently concluded by the social partners on telework is highly significant.

**The social partners** are requested to make better use of their European bargaining area by concluding, on the basis of experience acquired, agreements incorporated into Community law or implemented in accordance with their own national procedures and practices in the light of their initial experience with telework.

They are requested to draw up **work programmes**, at both multisectoral and sectoral level.

The Commission stresses that it is in the interest of the European social partners to take full advantage of the tools in place when defining their targets, particularly the European Industrial Relations Observatory (EIRO) and the Monitoring Centre on Change (EMCC) recently set up under the auspices of the Dublin Foundation.

### 2.3.2. *The sectoral social dialogue*

Following the Decision of May 1998 on the establishment of the sectoral social dialogue committees, 27 committees have been set up at the joint request of the social partners in the sectors concerned (Annex 2). This unequivocal success illustrates the European sectoral social dialogue's great potential for development. The Commission wishes to continue its support for the flourishing European sectoral social dialogue and to promote the establishment of further committees so that all the main branches are covered. It is the proper level for discussion on many issues linked to employment, working conditions, vocational training, industrial change, the knowledge society, demographic patterns, enlargement and globalisation.

**The Commission will:**

- pursue its policy of setting up new committees whenever the conditions are met: structured, representative players at European level having ability to negotiate agreements and willingness to undertake structured social dialogue. The sectors concerned should be sufficiently large however;
- encourage the necessary groupings and cooperation between sectors;
- orientate the activities of the sectoral social dialogue committees to dialogue and negotiation only, excluding information and consultation activities which can be carried out in multisectoral forums, with the exception of specific sectoral consultations;
- give priority support to committees whose work culminates in practical results representing their contribution to implementation and monitoring of the Lisbon strategy;
- reinforce the role of the Liaison Forum as the preferred arena for information and general consultation of all social partners, both multisectoral and sectoral.

### 2.3.3. *The cross-industry social dialogue*

The bipartite, cross-industry social dialogue, or *Val Duchesse* social dialogue, has played a pioneering role at European level since 1985. It was there that the independent players first decided to launch a dialogue which could bring about progress through agreements. This choice, made by UNICE, CEEP and ETUC in 1985, paved the way for inclusion of the social partners' role in the Treaty. It enabled these organisations to explore and discuss together the key themes of the European venture: setting in place a cooperation strategy on economic policy, completion of the internal market, application of the Social Charter of the Fundamental Rights of Workers and preparation of economic and monetary union.

Entry into force of the Social Protocol in 1993 ushered in a new era for the cross-industry social dialogue. The social partners' right to be consulted on proposals in the social field and their option to request that matters be dealt with by agreement rather than legislation brought them to the centre of the European social stage. So the Social Dialogue Committee, set up in 1992 as a standing social dialogue body, needs a new lease of life at this juncture.

The Commission considers that its task of promoting the social dialogue, enshrined in the Treaty, is essential and will pursue active dialogue with the cross-industry social partners on formalisation of the social dialogue, in particular on working out ways and means for preparing their negotiations and monitoring implementation of agreements.

**The social partners** are requested to bring into effect their Laeken declaration by establishing a **political level** to impart momentum every year to the work of the Social Dialogue Committee.

**The Commission** will provide backing for such impetus given by the annual social dialogue **summits**.

## 2.4. **Improving monitoring and implementation**

The European social partners have adopted joint opinions, statements and declarations and recommendations on numerous occasions. More than 230 such joint sectoral texts have been issued and some 40 cross-industry texts. In this way, the social partners have been able to have their say in discussions, sometimes even to anticipate them, including at European Council level, and to exploit the areas of consensus reached on economic policy, employment, structural policies, vocational training and modernising the operation of the labour market. However, in most cases, these texts did not include any provision for implementation and monitoring: they were responses to short-term concerns. They are not well known and their

dissemination at national level has been limited. Their effectiveness can thus be called into question.

Moreover, in recent years the social partners have increasingly frequently discussed and adopted so-called “new generation” texts (charters, codes of conduct, agreements) containing commitments to implementation in the longer term<sup>9</sup>. In many sectors the social partners have also produced practical training and support tools, mainly relating to adherence to rules on health and safety at work and public procurement (sugar and private security industries).

**The social partners** should endeavour to **clarify** the terms used to describe their contributions and reserve the term “**agreement**” for texts implemented in accordance with the procedures laid down in Article 139(2) of the Treaty.

#### 2.4.1. *Guidelines or frameworks for action*

Special consideration must be given to the question of how to implement the texts adopted by the European social partners. The recommendations of the High-Level Group on Industrial Relations and Change see the use of **machinery based on the open method of coordination** as an extremely promising way forward.

The social partners could apply some of their agreements (where not regulatory) by establishing goals or guidelines at European level, through regular national implementation reports and regular, systematic assessment of progress achieved.

The recent “*framework of actions for the development of lifelong competences and qualifications*” adopted by the cross-industry social partners at the Barcelona Social Summit is based on that approach.

**The social partners** are requested to:

- adapt the open method of coordination to their relations in all appropriate areas;
- prepare **monitoring reports** on implementation in the Member States of these frameworks for action;
- introduce peer review machinery appropriate to the social dialogue.

#### 2.4.2. *Agreements under Article 139*

For **implementation and monitoring** of the agreements negotiated by the social partners, two options are available:

- **The Commission presents a proposal for a Council Decision in areas covered by Article 137.** This takes place at the joint request of the signatory parties following examination by the Commission of the following: sufficiently representative contracting parties, lawfulness of all clauses of the agreement under Community law, and compliance with the provisions concerning small and medium-sized enterprises. The social partners’

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<sup>9</sup> Extension of the code of conduct on child labour to all fundamental rights in the footwear industry (November 2000); the agreement on fundamental principles and rights at work in commerce (August 1999); the agreement on working time in agriculture (July 1997); the agreements on telework in telecommunications (February 2001) and commerce (April 2001) and at cross-industry level (May 2002).

agreement is then presented to the European Parliament for its opinion and transmitted to the Council for its decision.

In that case, which is a procedure for extending agreements negotiated and concluded by the social partners, the Council is required to take a decision on the social partners' text without changing the substance.

Implementation of the Council decision is monitored in accordance with the nature of the instrument used (directive, regulation or decision). However, the Commission believes that the social partners who triggered the regulatory text hold special responsibility for its implementation.

**The Member States** should associate the social partners in the **transposal** at national level of Community texts having formed the subject of a negotiated agreement.

**The Commission** will systematically consult the social partners who have signed agreements on implementation reports, as was the case with parental leave and part-time work.

- **The European agreement is brought into effect in accordance with the social partners' and Member States' own procedures and practices.** This option was chosen, for example, by the negotiators on the improvement of paid employment in agriculture and on telework at cross-industry level.

In that case, the Commission **calls on the social partners to strengthen substantially the procedures for on-the-spot monitoring and to prepare regular reports on implementation of the agreements signed.** These reports should outline progress on the content of the implementation of agreements and their coverage. Such structured reporting is particularly necessary where the agreement negotiated by the social partners follows Commission consultation under Article 138 of the Treaty.

The Commission can review with the social partners the **technical and logistic facilities required for such monitoring**, either by using existing budgetary tools or by introducing new mechanisms. **The Dublin Foundation** might play a role for that purpose through increased exploitation of the Industrial Relations Observatory (EIRO).

Looking ahead and in the medium term, the development of the European social dialogue raises the question of **European collective agreements** as sources of law. The discussions on the forthcoming reform of the Treaty should take this into consideration.

### 3. SOCIAL DIALOGUE AND ENLARGEMENT, A DECISIVE CHALLENGE FOR THE UNION

For some ten years now, most of the candidate countries have been making radical adjustments to their economic and social structures which have affected industrial relations and the social players. Bipartite social dialogue is only just seeing the light of day in most candidate countries, while at sectoral level it is almost non-existent. Yet social dialogue is enshrined in the Treaty and forms an integral part of the *acquis communautaire*.

#### 3.1. Reinforcing the social dialogue and its players

Effective participation in the European social dialogue machinery must be underpinned by organised players and soundly-established national practices; this means that the social-partner structures in the candidate countries will need to be strengthened in the run-up to

accession. Only with sufficiently robust national structures will the social partners be able to participate effectively in negotiations and other European social dialogue activities and also implement agreements at national level.

The European Union social partners have been establishing for some years now links with the organisations in the candidate countries by means of individual and joint operations at both intersectoral and sectoral level. This has mainly concerned information, training and exchanges. Thanks to these initiatives, the partners in the candidate countries have been identified and a better understanding has been gained of the problems arising in an enlarged Union (joint conferences in Warsaw and Bratislava, employers' round tables, CEEP seminars, ETUC integration committees, sectoral seminars and round tables, UEAPME business support programme). The European Union has helped to build up the social partners and expand the social dialogue in the candidate countries by providing technical assistance under twinning arrangements (Phare, Consensus, Twinning).

In their joint contribution for Laeken, the social partners drew attention to the urgent need for increased assistance in this area and noted that there was a veritable social dialogue deficit in the candidate countries.

**The Commission will:**

- continue supporting the social partners' initiatives;
- make full use of the financial instruments available to help the social partners in the candidate countries improve fulfilment of their role.

### **3.2. Developing the role of the social dialogue in the pre-accession strategy**

The social partners of the candidate countries have an important role to play in the context of the pre-accession strategy, especially in the Phare programmes, in the drafting of the "Joint assessment papers of employment policies priorities", in the context of the employment strategy, and in preparing the candidate countries' participation in work on social inclusion, notably the Joint Inclusion Memoranda. It is also essential that they be associated in preparing the national development plans for defining, *inter alia*, the future priorities for assistance under the Structural Funds, notably the European Social Fund (ESF).

**The social partners** are invited to:

- associate their members in the candidate countries in review of the progress achieved in implementation of the Lisbon strategy;
- prepare a contribution for the next synthesis report in spring 2003 incorporating developments in the candidate countries.

### **3.3. Adjustments to social dialogue bodies**

The Commission will respond to a request to hold a **further meeting of the cross-industry Social Dialogue Committee** open to representatives from the candidate countries. For their part, the sectoral social partners are encouraged to pursue their contacts with the social partners from the candidate countries, thus promoting enhanced exchanges of experience. More generally, the social partners should step up their cooperation and organise activities targeted at their partners in the candidate countries (exchanges of best practice, capacity building, and so on).

The **membership** of the social dialogue **committees** will also have to be adjusted on account of enlargement. The social partners' current membership is based on the principle of delegations coordinated by the European organisations. By increasing the size of the delegations, it will be possible to open up to the social partners of the new Member States without reducing the operational capacity of the social dialogue.

#### 4. THE INTERNATIONAL DIMENSION OF THE SOCIAL DIALOGUE

The European development model combines sound economic performance with social progress. Consultation and partnership play a key part in that integrated approach. And this dimension should be exploited in contacts between the European Union and third countries. Much progress has been achieved in the past few years. In the different fields concerned, the Commission, with the support of the Member States, will continue actively to involve the social partners in its international relations and to support the development of social partnership in third countries, notably in developing countries, in accordance with the Communication on promoting core labour standards and improving social governance in the context of globalisation (COM (2001) 416).

##### 4.1. *Bilateral and regional relations*

- *Euro-Mediterranean partnership*: the social partners can make a worthwhile contribution, on the basis of their specific competences and experiences, to establishment of a free trade area by 2010. **Practical initiatives aimed at cooperation** should be **encouraged** so as to involve the European social partners and their members and those of the Mediterranean basin countries within the framework of the action plan adopted in Valencia in April 2002.
- *Partnership with Latin America*: the Commission has set in place a number of programmes aimed at reinforcing cooperation between economic and social players in Latin America and the European Union. Under the Urbs–Al programme in particular, there are good prospects for the participation by the European social partners in cooperation and exchange projects.
- *Relations with the United States*: following the Transatlantic Declaration of 1990, reinforced by the New Transatlantic Agenda of 1995 and the subsequent action plan, regular exchanges are organised between the United States and the European Union. These exchanges **should be extended in scope and time and increased** between social-partner organisations in the United States and the European Union.
- *Relations with Japan*: an action plan adopted in 2001 highlights the added value of the exchanges which have been organised for some ten years with social partner involvement. The areas covered by the exchanges of experience have been extended to include, *inter alia*, ageing, employment and equal opportunities.
- *Relations with the African, Caribbean and Pacific countries*: under the Cotonou Agreement, participation at all levels is a legal requirement aimed at encouraging dialogue between government partners and non-State players (private sector, economic and social partners, including trade unions and civil society). The latter are informed about and consulted on cooperation strategies, involved in the implementation of cooperation projects and programmes, and receive financial and technical support for capacity building.

#### 4.2. *Multilateral relations*

- *Multilateral negotiations*: the World Trade Organisation's relations with the social partners form an integral part of its overall relations with civil society. The Marrakech Agreement establishing the WTO includes special provisions on consultation and cooperation with civil society. These relations have resulted mainly in ministerial conferences and specialised symposiums. At European level, the social partners are involved in the process in the framework of the Commission's dialogue with civil society on trade aspects. They have played a constructive role as experts at WTO ministerial conferences. It is vital to reinforce participation by the social partners and this will be tackled in the context of improving the WTO's external transparency.
- *Relations with ILO*: the exchange of letters between the Commission and the ILO of 14 May 2001 revamps and updates the topics for cooperation with an eye to the two institutions' current developments and priorities, in particular the social dimension of globalisation and the promotion of fundamental social rights, employment promotion, social dialogue, enlargement, social protection and development cooperation.

#### **Conclusions**

The social dialogue has entered a new era, moving on from setting in place the tools (consultation on Community initiatives, possible negotiation of independent agreements) enshrined in the Treaty. To cope with the strategy for economic and social modernisation adopted at the Lisbon European Council in March 2000 and the new challenges which have emerged in conjunction with changes in society, employment and the world of work, we need to reinforce concertation on economic and social policy and independent social dialogue. Moreover, in the light of enlargement, we cannot overlook the importance of strong social dialogue structures, an integral part of the *Community acquis*.

Making a practical contribution to these goals, the Commission presents a proposal for a Council Decision establishing a new Tripartite Social Summit for Growth and Employment; thanks to this Summit the social partners will be fully involved in monitoring the Lisbon strategy.

## **ANNEXES**

- *List of social-partner organisations consulted under Article 138 of the Treaty*
- *List of sectoral social dialogue committees*
- *Consultations of the social partners under Article 138 of the Treaty*
- *Examples of calls on the social partners*

**List of European social-partner organisations consulted under Article 138 of the Treaty**

1. General cross-industry organisations
  - European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest (CEEP)
  - European Trade Union Confederation (ETUC)
  - Union of Industrial and Employers’ Confederations of Europe (UNICE)
2. Cross-industry organisations representing certain categories of workers or undertakings
  - Confédération européenne des cadres (CEC)
  - Eurocadres
  - European Association of Craft and Small and Medium-Sized Enterprises (UEAPME)
3. Specific organisations
  - EUROCHAMBRES
4. Sectoral organisations representing employers
  - Airports Council International – Europe (ACI Europe)
  - Association of European Airlines (AEA)
  - Association of European Cooperative and Mutual Insurers (ACME)
  - Association of European Public Postal Operators (POSTEUROP)
  - Association of National Organisations of Fishing Enterprises in the EU (EUROPECHE)
  - Committee of Agricultural Organisations in the European Union (COPA)
  - Community of European Railways (CCFE)
  - Confédération européenne des organisations patronales de la coiffure (CIC-Europe)
  - Confederation of National Associations of Tanners and Dressers of the European Community (COTANCE)
  - Employers' Group of the Committee of Agricultural Organisations in the European Union (GEOPA)
  - European Apparel and Textile Organisations (EURATEX)
  - European Association of Cooperative Banks (EACB)
  - European Association of Potash Producers (APEP)
  - European Banking Federation (FBE)
  - European Federation of Security Services (CoESS)
  - European Committee of Sugar Manufacturers (CEFS)
  - European Community Shipowners’ Associations (ECSA)
  - European Confederation of the Footwear Industry (CEC)
  - European Confederation of Woodworking Industries (CEI-Bois)
  - European Construction Industry Federation (FIEC)
  - European Federation of Cleaning Industries (EFCl)
  - European Federation of National Insurance Associations (CEA)
  - European Furniture Manufacturers’ Federation (UEA)
  - European Regions Airline Association (ERA)
  - European Savings Banks Group (ESBG)
  - European Solid Fuels Association (CECSO)
  - European Telecommunications Network Operators’ Association (ETNO)
  - Europese Schippersorganisatie (ESO)/Organisation européenne de la batellerie (OEB)
  - General Committee for Agricultural Cooperation in the European Union (COGECA)
  - Hotels, Restaurants and Cafés in Europe (HOTREC)
  - International Air Carrier Association (IACA)
  - International Confederation of Temporary Work Businesses (CIETT-Europe)

- International Federation of Insurance Intermediaries (BIPAR)
- International Road Transport Union (IRU)
- Performing Arts Employers' Associations League Europe (PEARLE\*)
- The Retail, Wholesale and International Trade Representation to the EU (EUROCOMMERCE)
- Union internationale de la navigation fluviale (UINF)
- Union of the Electricity Industry (EURELECTRIC)

#### 5. European trade union organisations

- European Cockpit Association (ECA)
- European Entertainment Alliance (EEA)
- European Federation of Building and Woodworkers (EFBWW)
- European Federation of Public Service Unions (EFPSU)
- European Federation of Trade Unions in the Food, Agriculture and Tourism Sectors and Allied Branches (EFFAT)
- European Mine, Chemical and Energy Workers' Federation (EMCEF)
- European Trade Union Federation: Textiles, Clothing and Leather (ETUF:TCL)
- European Transport Workers' Federation (ETF)
- Union Network International – Europe (UNI-Europa)
  
- European Federation of Journalists (EFJ)\*
- European Metalworkers' Federation (EMF)\*
- European Trade Union Committee for Education (ETUCE)\*

*The list will be adapted as new sectoral social dialogue committees are set up and/or in the light of the study on representativeness.*

*\* Organisations affiliated to ETUC receiving copies of information.*

## List of sectoral social dialogue committees

Sector	Workers	Employers
Agriculture	EFFAT	GEOPA–COPA
Air transport	ECE; ETF	ACI Europe; AEA; ERA; IACA
Banking	UNI–Europa	EACB; ESBG; FBE
Cleaning	UNI–Europa	EFCI
Commerce	UNI–Europa	EUROCOMMERCE
Construction	EFBWW	FIEC
Culture	EEA	PEARLE*
Electricity	EMCEF; EPSU	EURELECTRIC
Footwear	ETUF–TCL	CEC
Furniture	EFBWW	UEA
Hotels & catering/tourism	EFFAT	HOTREC
Inland waterways	ETF	ESO/OEB; UINF
Insurance	UNI–Europa	ACME; BIPAR; CEA
Mining	EMCEF	APEP; CECISO
Personal services	UNI–Europa	CIC Europe
Postal services	UNI–Europa	POSTEUROP
Private security	UNI–Europa	CoESS
Railways	ETF	CER
Road transport	ETF	IRU
Sea fishing	ETF	EUROPECHE/COGECA
Sea transport	ETF	ECSA
Sugar	EFFAT	CEFS
Tanning	ETUF–TCL	COTANCE
Telecommunications	UNI–Europa	ETNO
Temporary work	UNI–Europa	CIETT Europe
Textiles/clothing	ETUF–TCL	EURATEX
Wood	EFBWW	CEI–Bois

### Consultations of the social partners under Article 138 of the Treaty

<b>Date</b>	<b>Subject</b>	<b>Social partners' contribution</b>
1993	European works council	Opinion following attempt at negotiations
1995	Reconciling working life and family life	Agreement on parental leave (14 December 1996)
1995	Adaptation of the burden of proof in gender-based discrimination	Separate opinions
1995	Flexibility in working time and workers' security	Agreement on part-time work (6 June 1997) Agreement on fixed-term work (18 March 1999) Failure of negotiations on temporary work (May 2001)
1996	Prevention of sexual harassment at work	Separate opinions
1997	Worker information and consultation	Separate opinions
2000	Protecting workers against employer's insolvency	Separate opinions
2000	Modernising and improving employment relations	Agreement on telework (May 2002)
2000	Protecting workers against the risks connected with exposure to asbestos at work	Separate opinions
2000	Safety and health at work for the self-employed	Separate opinions
2001	Protecting employees' personal data	In progress
2002	Anticipating and managing change. A dynamic approach to the social aspects of corporate restructuring	In progress

### Examples of calls on the social partners

<p><b>Employment</b></p>	<p>The social partners are invited to negotiate and implement at all appropriate levels agreements to modernise the organisation of work, including flexible working arrangements. The social partners are invited, at all relevant levels, to conclude agreements, where appropriate, on lifelong learning to facilitate adaptability and innovation. <i>(Employment guidelines)</i></p> <p>The social partners are invited to play a more prominent role in defining, implementing and evaluating the employment guidelines which depend on them, focusing particularly on modernising work organisation, lifelong learning and increasing the employment rate, particularly for women. <i>(Feira European Council)</i></p>
<p><b>Training</b></p>	<p>The social partners are invited to conclude agreements on the promotion of access to learning opportunities, in particular for workers with low levels of skills and older workers. <i>(Communication on "Making a European area of lifelong learning a reality")</i></p> <p>Giving higher priority to lifelong learning as a basic component of the European social model, including by encouraging agreements between the social partners on innovation and lifelong learning. <i>(Lisbon European Council)</i></p>
<p><b>Mobility</b></p>	<p>The social partners, the Member States and the Community institutions must step up their efforts to improve transferability. The Commission will consult the social partners to bring forward legislation or equivalent measures. Member States, in cooperation with the Commission and the social partners ... should undertake a joint commitment to implement and further develop such instruments as the European Credit Transfer System, diploma and certificate supplements, Europass and the European portfolio and CV by 2003. <i>(Commission action plan for skills and mobility)</i></p>
<p><b>Active ageing</b></p>	<p>Involving the active commitment of the social partners is a crucial element to success in the suggested overall policy approach. It belongs to their tasks, with full respect for their autonomy, to negotiate working conditions ... to keep older workers in work for the benefit of employees and employers as well as for the economy and society as a whole. <i>(Report on active ageing)</i></p>
<p><b>Anticipating and managing change</b></p>	<p>Consultation of the social partners on the identification at Community level of best practices on restructuring guided by a long-term vision aimed at developing human capital. <i>(First-stage consultation of the social partners under Article 138(2) of the Treaty)</i></p> <p>The European Council invites the social partners to find ways of managing corporate restructuring better through dialogue and a preventive approach. <i>(Barcelona European Council)</i></p>

**Proposal for a  
COUNCIL DECISION  
establishing a Tripartite Social Summit for Growth and Employment**

Proposal for a

**COUNCIL DECISION**

**establishing a Tripartite Social Summit for Growth and Employment**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 202 thereof,

Having regard to the proposal from the Commission<sup>1</sup>,

Having regard to the Opinion of the European Parliament<sup>2</sup>,

Whereas:

- (1) The social partners are associated in implementation of the coordinated employment strategy established by the Luxembourg European Council of 20 and 21 November 1997 within the Standing Committee on Employment established by Council Decision 70/532/EC setting up the Standing Committee on Employment of the European Communities<sup>3</sup>, amended by Decision 99/207/EC of 9 March 1999<sup>4</sup>.
- (2) The Cologne European Council of 3 and 4 June 1999 set up a macroeconomic dialogue with the participation of representatives from the Council, the Commission, the European Central Bank and the social partners.
- (3) The Lisbon European Council of 23 and 24 March 2000 set a new strategic goal for the next decade and agreed that achievement of that goal required an overall strategy designed to integrate structural reforms, the coordinated European employment strategy, social protection and macroeconomic policies. In its Communication on the social dialogue, the Commission stresses that the Tripartite Social Summit should contribute to the debate on these topics.
- (4) In their joint contribution to the Laeken European Council, the social partners pointed out that the Standing Committee on Employment had not led to a similar integration of concertation and that it did not meet the need for coherence and synergy between the various processes in which they were involved.

They also proposed, in their contribution, that the Standing Committee on Employment should be replaced by a tripartite concertation committee for growth and employment which would be the forum for consultation between the social partners

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<sup>4</sup> OJ L 273 of 17.12.1970, p. 25; Decision amended by Decision 75/62/EEC (OJ L 21 of 28.1.1975, p.17).  
OJ L 72 of 18.3.1999, p. 33.

and the public authorities in the overall European strategy defined at the Lisbon European Council.

- (5) The Laeken European Council which met on 14 and 15 December 2001 took note of the social partners' willingness to develop and improve coordination of concertation on the various aspects of the Lisbon strategy. This was confirmed by the Barcelona European Council of 15 and 16 March 2002,

HAS DECIDED AS FOLLOWS:

*Article 1*  
*Establishment*

A Tripartite Social Summit for Growth and Employment (hereinafter referred to as "the Summit") is hereby established.

*Article 2*  
*Tasks*

The task of the Summit shall be to ensure, in compliance with the Treaty and with due regard for the powers of the institutions and bodies of the European Community, that there is continuous concertation between the Council, the Commission and the social partners in order to enable the social partners to contribute, on the basis of their social dialogue, to the various components of the integrated economic and social strategy launched at the Lisbon European Council in March 2000 and supplemented by the Gothenburg European Council in June 2001. For that purpose, it shall draw on the upstream work of and discussions between the Council, the Commission and the social partners in the different concertation forums.

*Article 3*  
*Membership*

1. The Summit shall consist of the Council Presidency at Head of State or Government level and the two subsequent Presidencies, the Commission and representatives of the social partners.
2. The social partners' representatives shall number 20 at most and shall be divided into two delegations of equal size comprising 10 workers' representatives and 10 employers' representatives.

Each delegation shall consist of representatives of European cross-industry organisations either representing general interests or more specific interests of supervisory and managerial staff and small and medium-sized businesses at European level.

The technical coordination shall be provided for the workers' delegation by the European Trade Union Confederation (ETUC) and for the employers' delegation by the Union of Industrial and Employers' Confederations of Europe (UNICE).

*Article 4*  
*Operation*

1. The Summit shall meet at least once a year. A meeting shall be held just before the spring European Council.
2. The Summit shall be chaired jointly by the President-in-Office of the Council and the President of the Commission.
3. The matters to be discussed shall be determined jointly by the Council Presidency, the Commission and the workers' and employers' cross-industry organisations taking part in the Summit's work.
4. The joint chairs of the Summit shall report to the European Council on the discussions and the results at the meetings.
5. The meetings of the Summit shall be convened by the joint chairs on their own initiative.
6. The Summit members representing the social partners' organisations referred to in Article 3(2) shall receive travelling and subsistence expenses as determined by the Council.
7. Rules of procedure shall be drawn up on the initiative of the joint chairs to determine how the Summit operates.

*Article 5*  
*Repeal*

Decision 99/207/EEC shall be repealed. The repeal shall take effect from the date of the first meeting of the Summit established by this Decision.

*Article 6*  
*Entry into force*

This Decision shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Communities.

Done at Brussels,

*For the Council*  
*The President*