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## MOTION FOR A RESOLUTION

to wind up the debate on statements by the Council and Commission

pursuant to Rule 103(2) of the Rules of Procedure

by Jean Lambert, Elisabeth Schroedter, Sepp Kusstatscher, Kathalijne Maria Buitenweg and Bart Staes

on behalf of the Verts/ALE Group

on the Social Package

**European Parliament resolution on the Social Package**

*The European Parliament,*

- having regard to the Social Package presented by the Commission on 2 July 2008 containing the Commission Communication on the 'Renewed social agenda: Opportunities, access and solidarity in 21st century Europe' (COM(2008) 412) and several other non-legislative proposals,
  - having regard to the Commission proposal for a European Parliament and Council directive on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees (recast) (COM(2008) 419),
  - having regard to the Commission proposal for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (COM(2008) 426),
  - having regard to the Commission proposal for a directive of the European Parliament and of the Council on the application of patients' rights in cross-border healthcare (COM (2008) 414),
  - having regard to the judgments of the Court of Justice of the European Communities on the Viking Line, Laval, Rüffert and Commission v Luxembourg cases and the controversial political debate thereon,
  - having regard to the Charter of Fundamental Rights of the European Union,
  - having regard to Rule 103(2) of its Rules of Procedure,
- A. whereas fundamental rights are the *raison d'être* of Europe and social policies,
- B. whereas the Social Package contains a number of initiatives which Parliament had called for over several years,
- C. whereas the name 'Social Package' promises more than it delivers, as the publication of some of the documents presented on 2 July had been promised at different times and they are now presented as a package of joint measures; whereas this appears as 'too little too late',
- D. whereas in 2008 the European Court of Justice has taken decisions which are decisive for realising and implementing social standards in the EU,
- E. whereas despite the urgent social situation, with increasing unemployment and high rates of poverty and social exclusion, the Commission's exclusive emphasis on growth and jobs remains unchanged,

## **Renewed Social Agenda**

1. Welcomes the intention of the Commission to move forward with a new social agenda; sees the urgent need to truly deliver on Social Europe; demands that a true European Social Agenda should consist of a coherent set of actions and instruments; demands that fundamental rights guide all decisions taken at European Union level;
2. Is concerned about the lack of either coherence or direction in the initiatives presented in the context of the Renewed Social Agenda;
3. Calls upon the Council in cooperation with Parliament to put forward a Social Pact to fight discrimination, promote equality, combat poverty, strengthen the social infrastructure, mainstream social issues and restore the balance between fundamental rights and market freedoms as a true move forward compared to the so-called Social Package;

## **Directive on cross-border health care**

4. Remains to be convinced that the Directive on cross-border health care will improve cross-border health care where necessary;
5. Welcomes the Commission study on 'Quality in and Equality of Access to Healthcare Services'; points to the fact that cross-border health care may come up against its limits where it endangers free and universal access for everybody;
6. Considers that action taken in the area of cross-border health care should take into account the viability and financial sustainability of Member States' social security systems and respect subsidiarity while aiming to improve access to health care and maintain high standards of health care provision;
7. Recognises the need for greater clarity in relation to issues such as legal liability for the benefit of those accessing health care in other Member States;
8. Recognises also the need to clarify issues relating to definitions brought into play by the ECJ, such as the difference between hospital and non-hospital care, and also relating to reimbursement for care provided under national health care schemes, as covered by Regulation (EEC) No 1408/71 and the new Regulation (EC) No 883/2004;

## **European Works Council Directive**

9. Notes that the recast of the European Works Council Directive has finally been published and regrets the considerable delay in its publication;
10. Regrets also the limited nature of the recast, which means that certain crucial issues may not be addressed;
11. Maintains that efficient and effective information and consultation rights are key when creating a level playing field for both sides of industry at transnational level; points to shortcomings in the recast as regards information and consultation rights and calls upon the Council to improve the recast Directive in close cooperation with Parliament;

### **Anti-discrimination Directive**

12. Is delighted that the Commission has acted on Parliament's strong call for an anti-discrimination directive that covers all four grounds which Parliament requested under Article 13; requests that the Commission study whether discrimination based on sex is prohibited in the same areas as discrimination based on the other grounds;
13. Alerts the Council to the fact that this Directive is essential in order to implement Article 13(1); therefore requests that the Council maintain the key approach of the Commission proposal, namely that all grounds of discrimination are covered and that no hierarchy of discrimination should be introduced;
14. Requests that the Council limit the number of exception clauses in the current draft;

### **Mainstreaming anti-discrimination**

15. Welcomes the initiatives to this end but points out the need to address not only parental leave but leave for other caring purposes;
16. Stresses that changes in legislation must not serve to lessen the rights of individual employees;

### **ECJ rulings**

17. Considers that the proposed Forum cannot substitute for legislative clarity concerning the rights of workers and respect for collective bargaining agreements; requests that these fundamental rights be recognised and that, where necessary, existing legislation be revised accordingly; demands in this context a revision of the Posting Directive;

### **Biennial report on social services of general interest**

18. Takes note of the Biennial Report on social services of general interest; stresses that social and health services play a vital role in our societies and help promote cohesion, employment, social inclusion and economic growth;
19. Remains convinced that health and social services need special protection within the internal market, which is not mentioned in the communication, and that a legal framework for services of general interest will be supportive in safeguarding fundamental rights;
20. Deplores the absolute lack of any legislative initiative by the Commission regarding the recognition and safeguarding of social and health services of general interest;

### **Efficiency of public spending**

21. Is somewhat surprised that the conclusions of the Commission Staff Working Document 'Efficiency and Effectiveness of Social Spending', which is part of the Social Package, focus solely on productivity and promotion of employment while disregarding the social inclusion dimension;
22. Calls on the Commission to examine whether an unconditional basic income for all could

be an effective tool for combating poverty;

### **New skills – new jobs**

23. Welcomes the announcement of the New Skills for New Jobs initiative, but stresses that this must form part of a coherent skills education and training package alongside technological development to address the challenges of climate change; points out that 'old jobs' will also need new skills to address this challenge;

### **European Globalisation Adjustment Fund**

24. Is gravely disappointed at the outcome of the evaluation of the operation of the Globalisation Adjustment Fund, which has shown that
- (a) the Fund has not succeeded in reaching out to small- and medium-sized enterprises and their workers,
  - (b) the Fund is not being used fully and therefore does not reach out to citizens as much as intended,
  - (c) the Fund has only been used in a very limited number of sectors, such as the automotive sector,
  - (d) the Fund's criteria do not sufficiently make it possible to evaluate whether those applying for funding from it are truly victims of globalisation or lack innovation and adaptation capacities;
25. Considers that if progress has not been made in these areas at the time of the next evaluation, serious consideration should be given to abolishing the Fund and transferring the money to the Social and Cohesion Funds;

### **Roma**

26. Welcomes the statement by the Commission concerning the need for concerted and concentrated action by Member States and the need to fulfil the intentions of the Anti-Discrimination Directive; assures the Commission of Parliament's support for strong action by the Commission in this regard;
27. Trusts that the Commission will also proceed with the Action Plan on the Rights of the Child and the proposed Communication on education to ensure that the routine racist segregation of Roma children from mainstream education comes to an end;

### **The international scene**

28. Welcomes the continuing commitment of the Commission to the implementation of ILO standards but believes that the current voluntary approach to corporate responsibility is inadequate;
29. Would welcome it if the Commission were to deliver in all its communications what it claims in the renewed Social Agenda, namely 'a strong commitment to harmonious,

cohesive and inclusive societies respecting fundamental rights in healthy social market economies';

30. Instructs its President to forward this resolution to the Council, the Commission, the Governments and Parliaments of the Member States and the social partners.