Please find enclosed a Resolution of the European Trade Union Confederation (ETUC), adopted by its Executive Committee on 16/17 September 1999.¹

¹ This text was submitted in French, English and German.
ETUC Position:

"The incorporation of fundamental civic, social and trade union rights into the European Union Treaties" (adopted by the Executive Committee on 16-17 September 1999)

As a firm promoter of EU Fundamental Rights, ETUC welcomes the decision of the Cologne European Council in June 1999 to initiate a procedure to draw up a concrete proposal on EU Fundamental Rights in the context of the next revision of the Treaty.

ETUC agrees with the Cologne Summit Conclusions that the "protection of fundamental rights is a founding principle of the Union and an indispensable prerequisite for her legitimacy", and, likewise, that there exists a clear need "to make their overriding importance and relevance more visible to the Union's citizens".

Although the Amsterdam Treaty did bring about some progress (e.g. TEU Art 6 & 7/human rights and TEC Art 13/non-discrimination), important shortcomings still exist.

The social implications of the realisation of EMU and the introduction of the EURO, the realisation of IM and the massive industrial restructuration, underpins the importance of securing fundamental rights at European level too.

A recent political initiative (intervention mechanism) and a ECJ pending ECJ case (C-67/96 on collective agreements) clearly shows clearly the potential pressure upon, and the threat to, vested trade union rights in the wake of the European integration process which will exist as long as fundamental trade union rights are not explicitly recognised at European level.

ETUC considers fundamental rights as an indispensable part, in combination with the development of the social socle, in the building of the Social Union and safeguarding and developing the European social model. Their incorporation will also be important in view of enlargement. The respect of fundamental rights is necessary for a Citizens' Europe to become a reality.

It should also be clear that the global trading partners will expect the European Union and its Member States themselves to secure the respect for fundamental rights when promoting these issues in the global trade agreements (as in the WTO).

4. The Cologne Summit did not conclude on "how the Charter should be integrated into the treaties". A solemn political declaration in the form of a "Charter", however, will not be sufficient to meet the stated objectives. A real "protection of fundamental rights" implies the legally binding incorporation of these rights in the treaties.

Therefore, in the ETUC 9th Congress resolutions, it is stated that: Above all, bringing the Union closer to its citizens requires political, civil, social and trade union rights - including cross-border sympathy action, including strikes – to be fully recognised by the Union and enshrined in the Treaty.
As regards specific trade union rights, ETUC calls for the full recognition of such rights in the EU Treaty beginning with the ILO Conventions on Freedom of Association, Collective Bargaining, Right to strike, Child Labour and Forced Labour. Consequently, the ETUC 9th Congress decided to campaign for full recognition of these rights to be enshrined in the Treaty on the occasion of its next revision.

5. The fundamental political, civil, social and trade union rights to be incorporated into the Treaty should include the rights already laid down in existing international instruments and of EU specific cross border / transnational rights.

First, consequently, the rights included in the following instruments should consequently establish the core to be recognised by, and in, the EU:
- Universal Declaration of Human Rights
- European Convention on Human Rights
- ILO Declaration on Fundamental Principles and Rights at Work
- Community Charter of the Fundamental Social Rights of Workers
- Revised European Social Charter
- UN Convention on the Rights of the Child

These rights should be guaranteed throughout the territory of the European Union.

It goes without saying that these rights constitute a minimum, and a non-regression principle should be applied to existing rights in the EU or its Member States.

Secondly, the EU specific cross-border and transnational related rights as well should also be included, especially transnational trade union rights, freedom of movement and the European citizenship political rights.

6. As underlined by the ETUC 9th Congress, equal treatment must be extended to all people who are legally resident in the EU, whether or not they are EU citizens. This will be particularly important as regards fundamental rights in the EU.

The proposed approach is obvious as regards scope and content, obvious both from a political as well as from a practical point of view and should be time-saving. As underlined by the latest Commission expert report (Simitis report), "it is time to act". The issue has already been the subject of lengthy and in-depth political and legal analysis and debate over at least the last decade at least. The process establishing the 1989 Community Charter or the Commission "Comité des Sages" (Pintasilgo) report, the EP resolution on trade union rights as well as the Amsterdam Colloquium organised by ETUC in the Amsterdam IGC process are just examples of a number of initiatives taken.

There exists no need, therefore, to reopen an analytical debate on the basics, but, on the contrary, to take decisions to pursue and to complete a process which has been progressed upon in the Amsterdam Treaty.

The EU Member States have already all signed and ratified the mentioned international instruments and rights, (or as regards the Council of Europe revised Social Charter, are in the process of ratification). Beyond the inclusion of the European Human Rights Convention, the European treaties now also includes a reference to the Community Charter and the Council of Europe Social Charter.
The principal difference to the present situation, when incorporating these rights of the international instruments in the EU Treaty, will therefore be, that the Member States becomes obliged, in a binding manner vis à vis the European Union, to respect and adhere to these international instruments (and the compliance procedures of these institutions).

Whether the obligation vis-à-vis the European Union will become legally or politically binding depends on the method of incorporation into the EU Treaty.

8. For ETUC, the aim should be to anchor the recognition and respect for the EU fundamental rights visibly and efficiently in the Treaty. Enshrining the rights in the context of the Citizenship Chapter should therefore be considered.

A Charter based alone on a solemn political declaration would fall short of the needs and objectives set out by the Cologne Summit; ETUC (in line with its 9th Congress decisions) is in favour of incorporating in the Treaty in a binding manner a "EU Bill of Rights" based upon already existing core rights of international instruments combined with EU specific cross border and transnational rights. ETUC is actively preparing a proposal based on these principles with the objective of being introduced into the drafting process to be initiated at the Tampere European Council in October 1999.

However, should the EU Member States at present not be prepared to take this logical step in view of the achieved EU integration to integrate fully such a EU Bill of Rights, ETUC considers that the Tampere process, as a first step as a minimum in order to stay credible, should result in the incorporation in the Treaty of:

A binding Treaty obligation for the Member States (and the Union) to adhere to (the above mentioned) international instruments combined with a sanction procedure (political and/or legal)
and
b) Selected individual and collective universal core rights directly enshrined in the Treaty and with priority to EU-specific cross-border and transnational trade union and workers’ rights:
   national and transnational trade union rights of association, collective bargaining and trade union action, including the right to cross-border sympathy action and strike
   national and transnational rights for workers to information, consultation and participation
   the right of equal treatment and equal opportunities for men and women
   prohibition of all forms of discrimination, racism and xenophobia
   ban on child labour
   the right of occupational health and safety protection
   the right to a minimum income including social protection in case of unemployment
   freedom of movement within the EU, including for third country nationals who are legally resident in the EU.

At a later stage, ETUC will submit a specific text on the above mentioned rights to be incorporated into the Treaty.

One outstanding issue to be clarified during the Tampere drafting process will be whether or not the European Union itself should accede to the European Convention on Human Rights and its additional Protocols (Council of Europe)."
9. ETUC believes that the development of the proposal for EU Fundamental Rights must be carried out by way of a transparent and participative procedure, involving, as decided at the Cologne Summit, the European Parliament and other EU institutions as well as national parliaments. ETUC however stresses the importance of fully involving civil society and the trade unions in the process. ETUC is looking forward to being invited to participate actively in the drafting procedure.

In view of the preparatory analysis and political clarification already undertaken, it is crucial and also realistic to conclude the Tampere drafting procedure on time to allow the EU Fundamental Rights proposal to be integrated into the next IGC procedure, as planned.

In July 1998, ETUC and the Platform of European Social NGO's launched jointly a joint campaign for a Bill of Rights. The Cologne Summit decision to draw up a Charter of Fundamental Rights of the EU can be considered a first positive step and outcome. Consequently, ETUC consequently therefore will therefore be intensifying its campaigning, both at European level vis-à-vis the European institutions and - carried by its affiliates - at national level, with the objective of rallying support for a real incorporation of fundamental rights in the Treaty.

Strong cooperation between the European trade union movement and civil society will be important. ETUC will therefore will continue the joint campaign activities with the Platform of European Social NGO's, and it calls upon the affiliates to do the same at national level, as is customary according to the traditions. ETUC also calls upon especially the European Parliament to continue to play an active role as a promoter of fundamental rights and hence a Citizens’ Europe.
New .eu Domain

Changed Web and E-Mail Addresses
The introduction of the .eu domain also required the web and e-mail addresses of the European institutions to be adapted. Below please find a list of addresses found in the document at hand which have been changed after the document was created. The list shows the old and new address, a reference to the page where the address was found and the type of address: http: and https: for web addresses, mailto: for e-mail addresses etc.

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