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## **REPORT**

on the Commission communication to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on the scoreboard on implementing the social policy agenda  
(COM(2001) 104 – C5-0536/2001 – 2001/2215(COS))

Committee on Employment and Social Affairs

Rapporteur: Marie-Thérèse Hermange



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## PROCEDURAL PAGE

By letter of 22 February 2001, the Commission forwarded to Parliament a communication to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on the scoreboard on implementing the social policy agenda (COM(2001) 104 – 2001/2215(COS)).

At the sitting of 12 November 2001 the President of Parliament announced that she had referred the communication to the Committee on Employment and Social Affairs as the committee responsible and the Committee on Women's Rights and Equal Opportunities for its opinion (C5-0536/2001).

The Committee on Employment and Social Affairs had appointed Marie-Thérèse Hermange rapporteur at its meeting of 17 May 2001.

It considered the Commission communication and the draft report at its meetings of 20 November 2001 and 7/8 January 2002.

At the latter meeting it adopted the motion for a resolution unanimously.

The following were present for the vote: Michel Rocard, chairman; Winfried Menrad, vice-chairman; Marie-Thérèse Hermange, rapporteur; Jan Andersson, Elspeth Attwooll (for Luciano Caveri), Regina Bastos, Theodorus J.J. Bouwman (for Ian Stewart Hudghton), André Brie (for Sylviane H. Ainardi), Philip Bushill-Matthews, Alejandro Cercas, Luigi Cocilovo, Elisa Maria Damião, Proinsias De Rossa, Harald Ettl, Jillian Evans, Carlo Fatuzzo, Ilda Figueiredo, Hélène Flautre, Marie-Hélène Gillig, Anne-Karin Glase, Richard Howitt (for Claude Moraes), Stephen Hughes, Anne Elisabet Jensen (for Luciana Sbarbati), Ioannis Koukiadis, Rodi Kratsa-Tsagaropoulou, Elizabeth Lynne, Thomas Mann, Mario Mantovani, Paolo Pastorelli (for Guido Podestà), Manuel Pérez Álvarez, Bartho Pronk, Herman Schmid, Miet Smet, Helle Thorning-Schmidt, Anne E.M. Van Lancker, Barbara Weiler and Sabine Zissener (for Tokia Saïfi).

The Committee on Women's Rights and Equal Opportunities decided on 1 October 2001 not to deliver an opinion.

The report was tabled on 9 January 2002.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

## MOTION FOR A RESOLUTION

### **European Parliament resolution on the Commission communication to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on the scoreboard on implementing the social policy agenda (COM(2001) 104 – C5-0536/2001 – 2001/2215(COS))**

*The European Parliament,*

- having regard to the Commission communication (COM(2001) 104 – C5-0536/2001<sup>1</sup>),
  - having regard to the conclusions of the Nice European Council of 7, 8 and 9 December 2000, and in particular Annex I thereto on the social policy agenda,
  - having regard to the Commission communication on the social policy agenda (COM(2000) 379<sup>2</sup>),
  - having regard to the conclusions of the Stockholm European Council of 23 and 24 March 2001,
  - having regard to its resolution of 25 October 2000<sup>3</sup> on the new social policy agenda,
  - having regard to Rule 47(1) of its Rules of Procedure,
  - having regard to the report of the Committee on Employment and Social Affairs (A5-0004/2002),
- A. whereas the social policy agenda is a key component of European Union economic and social modernisation, and its full implementation without delay will be decisive in achieving the strategic objectives laid down by the Lisbon European Council,
- B. whereas the scoreboard will be instrumental in monitoring progress with implementing the agenda,
- C. whereas it should be further developed as a monitoring tool by specifying more precisely its objectives, content and presentation,
- D. whereas the social policy agenda must be considered as an evolving programme open to subsequent adjustments,
1. Regrets that the first scoreboard was, owing to the very tight deadlines, submitted to the Stockholm European Council before Parliament had had the opportunity to consider it; calls on the Commission to forward to Parliament the annual scoreboard in good time for it to deliver an opinion in advance of the spring European Council;

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<sup>1</sup> Not yet published in the OJ

<sup>2</sup> Not yet published in the OJ

<sup>3</sup> OJ C 197, 12.7.2001, p. 8

2. Considers that the scoreboard should, on the model of Annex 1 to communication COM(2000) 379, include all activities scheduled for the period 2001 to 2006 to enable the current stage reached in implementing the objectives to be verified; warns against any attempt to convert the scoreboard into a mere summary record of Commission activities;
3. Considers that the scoreboard should make operational the policy initiatives announced in the social policy agenda by specifying in respect of each component the relevant policy instrument (legislation, open coordination, negotiations by the social partners, etc), individual or body responsible, and the deadlines fixed; asks the Commission to adhere systematically to that structure when drawing up its next scoreboard;
4. Considers that the social policy agenda should be based on a dynamic approach aimed at making continuous adjustments between objectives laid down and progress achieved;
5. Considers that the scoreboard should provide the basis for such a continuous adjustment process, and draws attention to the importance of the progressive development of qualitative and quantitative indicators for monitoring and assessing operations carried out under the agenda; calls for the European Parliament to be closely involved in the taking of decisions on such indicators and to have the opportunity to play a role in the new coordination processes (including the open method of coordination in the areas of employment, social inclusion, education and training, and pensions); calls for an interinstitutional agreement to be concluded in this connection;
6. Suggests that the scoreboard should also include measurement of specific progress by Member States on how they have lowered the costs of doing business and removed unnecessary red tape in order to promote employment, both highlighted in Article 14 of the Lisbon European Council conclusions as areas which required further efforts;
7. Stresses the importance of involving all the social partners in implementing the social policy agenda; calls for the scoreboard to bring out more clearly the different responsibilities of the parties involved;
8. Points out in that connection that heads of state and government have committed themselves to implementing the social policy agenda in full; considers that it cannot be for the Council to call into question the individual components of the overall project;
9. Expresses its concern at the lack of progress achieved through the European social dialogue, and hopes that the social partners, and especially employers, will participate more actively in achieving the objectives laid down, including, in particular, in the areas of training and lifelong learning, organisation of work and adjustment to new forms of work and the reconciling of work and private life; takes the view that the Commission should come forward with legislative instruments whenever negotiations are not concluded within a reasonable period of time;
10. Calls for Parliament to be fully involved in implementing adjustments to the social policy agenda and instructs its committee responsible periodically to monitor progress; also calls on this committee to examine the possibility of holding annual discussions with the Commission, the Council and the social partners on implementation of the social policy agenda;

11. Calls on the Commission also to associate the Economic and Social Committee and the Committee of the Regions as closely as possible with implementing the agenda;
12. Regrets that the scoreboard stops short of suggesting new approaches to improving the involvement of civil society in implementing the social policy agenda;
13. Considers that the concentration of political activities constituted by the social policy agenda should also be reflected in the budget of the European Union; notes with regret that, on the contrary, the areas of employment and social affairs are among the hardest hit by cuts in funding;
14. Regrets, moreover, that the Commission has failed to take into consideration any of Parliament's additional requirements, as set out in its resolution of 25 October 2000<sup>1</sup> on the new social policy agenda; calls on the Commission to supply information on how it proposes to act on those requirements, in particular:
  - to define an appropriate legal basis for the development of the civil dialogue and to provide for the necessary financing to enable the NGOs to contribute to the European social agenda;
  - to provide a tax and legislative framework for the development of the social economy (third sector);
  - to integrate the social dimension into competition policy by including considerations related to employment and industrial relations in Commission decisions concerning mergers of companies;
  - to put in place at European level the right to take collective action, and in particular the right to strike;
  - to submit a directive on social security cover for new forms of employment;
  - to reinforce the action programme and instruments against poverty and social exclusion;
  - to submit a proposal to amend Directive 92/85<sup>2</sup>/EC on introducing measures to help improve the health and safety of pregnant and breastfeeding workers along the lines of the proposals set out in the resolution adopted by the European Parliament on 6 July 2000, in particular on the length of maternity leave;
  - to launch an initiative aimed at better guaranteeing the social quality of work by improving the balance between working life and family life by restructuring working hours on the basis of arrangements to be negotiated between the social partners;

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<sup>1</sup> OJ C 197, 12.7.2001, p. 8

<sup>2</sup> OJ L 348, 28.11.1992, pp. 1-8

- to propose an action plan to give the aged and the disabled access to working life and to the information society, as well as the definition of criteria for recognising a disability;
  - to take initiatives and submit an action plan designed to effectively prevent musculoskeletal injuries at work;
  - to take initiatives to provide appropriate safeguards for workers' rights, and notably employment, in the event of the restructuring or relocation of undertakings;
  - to take initiatives, and notably adopt an action plan, to put into practice equality of payment for men and women;
  - to submit a proposal concerning individual dismissals;
15. Expresses its concern at the rate of progress with implementing the agenda, which is already giving rise to fears that it may not be possible to meet the full package of agenda commitments by the year 2005;
16. Calls, consequently, on the Commission to speed up its operations, in particular as regards legislative proposals and preparatory work; calls in particular on the Commission:
- to submit a proposal for a review of the enterprise committee directive as soon as possible so that the legislative procedure can be concluded, as intended, before the end of 2002;
  - to submit to Parliament a memorandum on policy in the area of health and safety at work that could serve as a consultation document, together with a Green Paper on supplementary sickness insurance, so as to prepare a legislative initiative;
  - to submit a communication and an action plan on financial participation by workers in the European Union, taking substantively into account the results of the consultation launched on the basis of working document SEC(2001)1308;
  - to conduct in-depth examination and assessment of the Luxembourg process;
  - to propose activities to mark the European year of the disabled (2003);
17. Calls for efforts to address the social dimension of enlargement to be stepped up; urges that action be taken with regard to the proposed integration of the applicant countries into the open methods of coordination being adopted in the areas of employment, education and training, social inclusion and pensions, and calls on the Commission to submit a report to the Council and Parliament shortly on this matter;
18. Calls on the Commission actively to support negotiations by the social partners by making its expertise available to them, and to provide guidelines for their negotiations, in all cases swiftly submitting a legislative initiative in the event of breakdown in negotiations; regrets the fact that the Commission has still not submitted a legislative proposal relating to temporary agency work based on the principle of equal treatment of temporary employees



and employees with normal employment relationships with the business using the services of the relevant agency;

19. Instructs its President to forward this resolution to the Council, the Commission, the Economic and Social Committee and the Committee of the Regions.

## EXPLANATORY STATEMENT

### I. Introduction

The social policy agenda adopted by Heads of State and Government at the Nice Summit is an initiative that relies on a more strategic approach than previous action programmes in the area of social policy. The following aspects distinguish it from its predecessors:

- \* The agenda sets itself a clear objective, viz. making the European Union the world's most competitive economy, as decided at the Lisbon Summit;
- \* The agenda poses the question of the responsibility and attribution of powers of all those playing a part in its implementation;
- \* For the first time, the question of choice of instruments for achieving the objectives set has been raised;
- \* A deadline will have to be fixed for each measure, so as to programme the course of the agenda in a practical manner;
- \* An instrument making it possible to track and monitor implementation of the agenda has come into being in the form of the scoreboard.

The social policy agenda thus amounts to something significantly more than a mere listing of future Commission proposals (a list of '*what*' can be expected); there will also be answers to the questions '*what for?*', '*how?*', '*when?*' and '*by whom?*' in respect of each measure.

The facts bear out only part of that ambition: in reality, the agenda is far from containing details of implementing instruments, operators responsible or timetabling in respect of all measures. The question of the allocation of responsibilities is dealt with only superficially, and there is no *fundamental* analysis of the question of resources that would enable partnerships to be strengthened and existing decision-making and consultation structures to be improved.

It is appropriate therefore to consider this first scoreboard as an occasion for improving the process of implementing the social policy agenda. In your rapporteur's view, the scoreboard should not be confined to setting out actions implemented by the Commission but should be a strategic instrument by means of which the agenda's implementation can be supervised, and where need be adjusted.

## II. Criticisms

### 2.1. Methodology

#### Comprehensiveness

The scoreboard should include all measures contained in the agenda; i.e. both those that have already been carried out and those that are still in preparation. At the same time, certain not insignificant existing deficiencies concerning details of the nature of the different measures proposed and the timetable should be corrected. Only when all agenda components have been systematically inventoried will it be possible for the progress made with implementation to be assessed permanently and accurately.

#### The scoreboard as a condition for making the agenda into a self-regulating mechanism

A comprehensive inventory of all the components of the agenda would lay the foundations for the scoreboard's subsequent substantive development. The social policy objective of the social policy agenda adopted by the Nice European Council certainly is not to fix the social and employment work programme irrevocably for the next five years. On the contrary, achievement of the agenda will have to be a dynamic process, leaving room for adjustments at all times. In that connection, the scoreboard plays the part of measuring instrument, one that continuously compares the real situation with the intended one, and so provides the necessary information on the basis of which adjustments can be made. It should therefore make it possible to say whether the deadlines originally laid down have been or could have been complied with, or if the operations conducted made it possible to achieve the desired goal and, if not, what other measures would be more appropriate or what additional measures will be needed to achieve the objective laid down.

#### Improved definition of competence

The agenda calls into question the current practice of giving absolute priority to legislative instruments in the area of social and employment policy. European employment strategy has shown that forms of voluntary cooperation (non-legislative) can constitute a possible compromise enabling a balance to be struck between the need for Community measures and respect for national responsibilities and traditions. In future, according to the Commission, the right approach will be to be more imaginative in implementing the palette of legislative and non-legislative instruments by deciding which instrument seems the most appropriate for each objective.

It must at all events be noted in this connection that more diversified use of available instruments presupposes strengthening the concept of partnership. If it is intended that legislation should stop being the standard instrument, there will have to be a new allocation of responsibilities with greater attention being paid to drawing up replacement instruments. There is still quite some way to go along that road, for neither the agenda itself, nor the Commission communication looks into the question of the consultation structures and support measures necessary for successfully implementing a social and employment policy that can get significantly closer to the human agents concerned. It would, in particular, be appropriate to determine how civil society might be more closely associated with the process of implementing the social policy agenda and, more generally, to specify what might amount to an effective partnership for such implementation.

The right approach from that point of view would be to consider more efficient organisation of the negotiations as part of the social dialogue. In accordance with Article 139 of the EC Treaty, the social partners at Community level may conclude agreements that the Council can convert into directives. To ensure that the latter can, in the spirit of the social policy agenda, draw up a work programme and deadlines for the different rounds of negotiations, the Commission should provide them in advance with a list of proposals on which it itself intends to draw up proposals for directives in the medium term. The Commission could, moreover, in agreement with the social partners and while recognising their autonomy, propose its good offices as mediator and bring its expertise to bear on the negotiations.

## 2.2. Substance

Adoption of the social policy agenda was preceded by several months of negotiations, in which the Committee on Employment and Social Affairs participated actively. Even before the official submission of the European Commission proposal, intensive contacts were held between committee coordinators and representatives of the European Commission's Employment Directorate-General. As a result, some of the committee's priorities have already been taken up in the European Commission proposal. On the other hand, the results of the official consultation procedure have remained disappointing. In its resolution<sup>1</sup> on the social policy agenda, Parliament had submitted a series of specific requirements concerning the submission of legislative proposals, including legislative initiatives aimed at supplementing social security cover for new kinds of work, the review of a number of directives applicable to employment law (protection against dismissal, health protection for pregnant workers), as well as action plans to improve safety and health protection and enable the aged and disabled to take part in working life and the information society. Parliament moreover called for an appropriate legal basis to be laid down for the development of civil dialogue and allocation of the financial resources necessary to enable NGOs to contribute to the European social agenda. None of those requests met with any response in the text adopted at the Nice Summit.

It is not acceptable that Parliament's proposals, which are, moreover, the result of searching consultations by all authoritative players in society, should remain a dead letter. The European Commission must, at a minimum, be made to explain what action it intends to take in response to the different points set out in the resolution.

### **III. Involving the EP in implementing the social policy agenda**

The regular submission of accounts of the situation as it develops will make it easier for Parliament to supervise implementation of the agenda. At the same time, direct contacts with the Commission should also be stepped up. Following adoption of the agenda, meetings have already been held between coordinators from the Committee on Employment and Social Affairs and Commission Member Diamantopoulou and representatives of the Employment D-G. Such meetings should be held on a regular basis in future, and be used to provide a venue for genuine dialogue on social and employment policy.

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<sup>1</sup> A5-0291/2000

Your rapporteur nonetheless insists that over and above strengthened regular informal contacts, the annual submission of the social policy implementation scoreboard must be made by deadlines that will enable the European Parliament to deliver its opinion before it is considered by the spring European Council. While the very short deadlines fixed for submission of this first scoreboard at the Stockholm European Council can account for the delay in consulting the European Parliament, it will be essential to ensure that the European Parliament, the social partners and NGOs will henceforth be consulted on the scoreboard in advance of the spring European Council.