



*Committee on Employment and Social Affairs
The Chair*

02.12.2022

Mr Salvatore De Meo
Chair
Committee on Constitutional Affairs
BRUSSELS

Subject: Opinion on proposals of the European Parliament for the amendment of the Treaties (2022/2051(INL))

Dear Mr Chair,

Under the procedure referred to above, the Committee on Employment and Social Affairs has been asked to submit an opinion to your committee. At its meeting of 12 July 2022, the Committee decided to send the opinion in the form of a letter.

The Committee on Employment and Social Affairs considered the matter at its meeting of 30 November 2022. At that meeting, it decided to call on the Committee on Constitutional Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution.

Yours sincerely,

Dragoş Pişlaru

SUGGESTIONS

1. In order to make social Europe a reality, and given the lessons from recent crises, including the pandemic and Russian invasion of Ukraine as well as their impact on European economic and welfare/social systems, and the challenges ahead to ensure the highest levels of social protection in the green and digital transition it is necessary to ensure a sustainable, fair and inclusive Europe where social rights are fully protected and safeguarded at least at the same level as economic freedoms, including by revising the current governance framework and reflecting on the renewal of the European social contract. As highlighted in the conclusions of the working groups of the Conference, a shift towards a sustainable, inclusive and resilient growth model is needed for the EU¹ with special attention paid to small and medium-sized enterprises and competitiveness checks and to promote future-oriented investments focused on the just, green and digital transitions².

As already set out in previous European Parliament resolutions, tools to this effect should include:

- integrating the European Pillar of Social Rights in the Treaties and fully implementing it and the Porto Targets³;
- incorporating social progress in Article 9 TFEU⁴ linked to a Social Progress Protocol to be introduced to the Treaties⁵;
- adopting a Sustainable Development and Social Progress Pact making social and sustainable targets mandatory as part of a governance framework for a social and sustainable Europe⁶.

2. Further, the EU should move away from unanimity and towards the ordinary legislative procedure in order to strengthen decision-making and enable EU action in areas, notably in the remit of the EMPL Committee where currently it has proved difficult or impossible, due to the relevant decision-making provisions/scope of the Treaties, while fully safeguarding and strengthening the role of social partners and including a non-regression clause⁷.

As already set out in previous European Parliament resolutions, tools to this effect should include:

- making more social policy areas fall under the qualified majority decision process, in

¹ Paragraph 13, Recital A ‘The follow up of the Conference on the Future of Europe’, European Parliament resolution of 4 May 2022 on the follow-up to the conclusions of the Conference on the Future of Europe (2022/2648(RSP))

² European Parliament resolution of 9 June 2022 on the call for a Convention for the revision of the Treaties (2022/2705(RSP), paragraph 5

³ European Parliament resolution of 17 December 2020 on a strong social Europe for Just Transitions (2020/2084(INI)) , paragraph 6

⁴ European Parliament resolution of 9 June 2022 on the call for a Convention for the revision of the Treaties (2022/2705(RSP), paragraph 5

⁵ European Parliament resolution of 17 December 2020 on a strong social Europe for Just Transitions (2020/2084(INI)), paragraph 6

particular non-discrimination, social protection of workers (apart from cross-border situations), combating social exclusion, protection of workers whose employment contracts have been terminated, the representation and collective defence of the interests of workers and employers, as well as conditions of employment for third-country nationals legally residing in the EU⁶; this can also be achieved by using the passerelle clauses⁷;

- in order to strengthen democratic decision-making, involving the European Parliament in defining the Integrated Guidelines for Growth and Jobs on an equal footing with the Council⁸;

- applying the Community method to the Semester process, and making it subject to an agreement between the Council and the European Parliament⁹.

3. In order to ensure that upward social convergence is accelerated, proper allocation and use should be made of the EU funds as well as of the financial tools developed in response to recent crises. A dedicated crisis response mechanism, to be activated in case of emergency situations and of future crises, should be created within the next MFF. The financing of employment and social policies should not come at the expense of other long-term investment policies, including cohesion policy, which played a massive role in recent crises.

Without losing sight of the gender perspective, it is crucial to ensure that EU funds benefit all disadvantaged groups, in particular but not limited to, people with disabilities, migrants and ethnic minorities (including Roma), children and young people who are not in employment, education or training (NEET), homeless people, single parents and older people.

As already set out in previous European Parliament resolutions, tools to this effect should include:

- a revision of economic governance to ensure that social justice goes hand-in-hand with economic competitiveness, and that people's well-being is the objective of economic policies¹⁰;

- monitoring of the use of funds, including democratic oversight by Parliament¹¹;

⁶ Ibid, paragraph 6

⁷ European Parliament resolution of 13 February 2019 on the state of the debate on the future of Europe (2018/2094(INI)), paragraph 7

⁸ European Parliament legislative resolution of 18 October 2022 on the proposal for a Council decision on guidelines for the employment policies of the Member States (COM(2022)0241 – C9-0199/2022 – 2022/0165(NLE)) (NLE)), paragraph 3, European Parliament resolution of 17 December 2020 on a strong social Europe for Just Transitions (2020/2084(INI)), paragraph 6

⁹ European Parliament resolution of 17 December 2020 on a strong social Europe for Just Transitions (2020/2084(INI))1, paragraph 6, 19

¹⁰ European Parliament resolution of 17 December 2020 on a strong social Europe for Just Transitions (2020/2084(INI))1, paragraph 6, 19

¹¹ European Parliament resolution of 17 December 2020 on the Multiannual Financial Framework 2021-2027, the Interinstitutional Agreement, the EU Recovery Instrument and the Rule of Law Regulation (2020/2923(RSP), paragraph 8

- emergency clauses and flexibility¹²;
- stabilising an increased level of EU investment to foster upward convergence in the area of social policies¹³;
- a temporary European social resilience package¹⁴ coordinating a set of measures and means to strengthen social welfare and social protection systems in the EU, including the continuation and refinancing of SURE as long as the socio-economic consequences of the Russian invasion of Ukraine continue to have a negative impact on the labour market, and a social rescue facility with increased public support for existing instruments aimed at the poorest in our society should be established¹⁵.

¹² European Parliament resolution of 19 May 2022 on the social and economic consequences for the EU of the Russian war in Ukraine – reinforcing the EU’s capacity to act (2022/2653(RSP)) , paragraphs 34, 35

¹³ Ibid, paragraph 12

¹⁴ Ibid, paragraph 24

¹⁵ European Parliament resolution of 19 May 2022 on the social and economic consequences for the EU of the Russian war in Ukraine – reinforcing the EU’s capacity to act (2022/2653(RSP)), paragraph 24