

Contribution from the Spanish delegation on enhanced cooperation in the second pillar (14 July 2000)

Caption: On 14 July 2000, the Spanish delegation sends the Conference of the Representatives of the Governments of the Member States a proposal on enhancing cooperation in the second pillar.

Source: Conference of the Representatives of the Governments of the Member States Transmission note – IGC 2000 – Enhanced cooperation in the second pillar, CONFER 4760/00. Brussels: 14.07.2000. 4 p.

http://www.consilium.europa.eu/uedocs/cms_data/docs/cig2000/EN/4760en0.pdf.

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**CONFERENCE
OF THE REPRESENTATIVES OF THE
GOVERNMENTS
OF THE MEMBER STATES**

Brussels, 28 September 2000

CONFER 4778/00

LIMITE

TRANSMISSION NOTE

From: Noel DORR, Representative of Ireland to the Intergovernmental Conference
To: Pierre VIMONT, President of the Group of Personal Representatives to the Intergovernmental Conference

Subject: *IGC 2000: Qualified Majority Voting*
– Contribution from Ireland

Sir,

I would be grateful if, in connection with our discussions on Qualified Majority Voting, you would arrange for the circulation as an official document of the Intergovernmental Conference of the attached proposal with regard to cooperation between Member States in the area of social protection.

The document further proposes that consideration might be given to the elaboration of a separate legal base for the establishment of a Social Protection Committee.

(Complimentary close)

(s.) Noel DORR

ANNEX

IRELAND

I Possible extension of QMV - Social Provisions

In accordance with Article 137.3, unanimity is required for the Council to act on a proposal by the Commission in the area of social security and social protection of workers.

The Council, however, can act in accordance with the procedure referred to in Article 251 in adopting measures designed to encourage cooperation between Member States in order to combat social exclusion, under Article 137.2, last sub-paragraph.

Social protection and employment policy have a fundamental part to play in combating social exclusion. Article 129 provides that the Council using the Article 251 procedure may adopt measures to encourage co-operation in the field of employment policy, thus leaving the unanimity requirement applying only to co-operation in relation to social protection.

The Lisbon European Council recognised the need to modernise social protection with a view, inter alia, to promoting social inclusion. Conscious that this challenge can be better addressed as part of a cooperative effort, the European Council invited the Council to:

- strengthen cooperation between Member States by exchanging experiences and best practices on the basis of improved information networks which are the basic tools in this field.(Presidency Conclusions, paragraph 31).

Ireland considers that there is a need to ensure that there is a clear and consistent base in the Treaty for the type of co-operation provided for in Article 137. 2, in the case of combating social exclusion, and for the type of cooperation envisaged by the Lisbon European Council in relation to the modernisation of social protection, which should also encompass its improvement. The following amendments are proposed to achieve this objective:

Article 137.2, last sub-paragraph

*The Council, acting in accordance with the same procedure, may adopt measures designed to encourage cooperation between Member States through initiatives aimed at improving knowledge, developing exchanges of information and best practices, promoting innovative approaches and evaluating experiences **in the following areas:***

- **the combating of** social exclusion;
- the development and improvement of social protection.

Article 137.3

However, the Council shall act unanimously on a proposal from the Commission, after consulting the European Parliament, the Economic and Social Committee and the Committee of the Regions in the following areas:

- *social security and social protection of workers, **without prejudice to proposals in this area which may be adopted pursuant to paragraph 2;***
- *[remainder of Article unchanged]*

II Legal Base for Establishment a Social Protection Committee - possibly to replace Article 144

Ireland supports the deletion of Article 144 as it is not used as a basis for any Community action in the social field. However, there is currently no clear Treaty base for the establishment of an advisory Committee on Social Protection, which would have the task of strengthening co-operation at Community level on social protection policies, including those aimed at combating social exclusion, pursuant to Article 137.2, last sub-paragraph.

Article 130 of the Treaty provides for the establishment of a Committee charged with a similar task in the employment field. A decision to establish the Committee pursuant to Article 130 was adopted on 24 January 2000 (Ref. OJ L 29/21, 4.2.2000)

The Commission on 13 March, 2000 put forward a proposal for a similar Committee in the field of social protection (ref.COM(2000)134 final, 2000/0055 (CNS)), following on from suggestions in its own Communication on "A Concerted Strategy for Modernising Social Protection" (Ref.COM(1999)347 final), which had been endorsed by the Social Affairs Council in Brussels on 29 November (Ref. OJ 2000/C/8/7).

A High Level Working Party on Social Protection was immediately established on an interim basis following the meeting of the Social Affairs Council in November. The Lisbon European Council has mandated the Working Party to prepare a study on the future evolution of social protection from a long term point of view, and to advise on steps to be taken to eradicate poverty and promote social inclusion (Presidency Conclusions, paragraphs 31 to 33).

The Council adopted a decision on 29 June to set up a Social Protection Committee (ref. 2000/436/EC). The Committee will come into being later this year. Article 202 is being used as a legal base, but the Council Legal Service considers that it "did not represent a true legal base", while recognising the precedents where it was used to establish the Standing Committee on Employment and the former Employment and Labour Market Committee.

In view of these developments, and in order to provide a clear legal basis in the Treaty for such a Committee, Ireland proposes the insertion of the following provision:

The Council, after consulting the European Parliament, shall establish a Social Protection Committee with advisory status to promote co-operation between Member States and with the Commission on social protection policies. The tasks of the Committee shall be:

- *to monitor the social situation and the development of social protection policies in the Member States and the Community;*
- *to promote exchanges of information, experience and good practice between Member States and with the Commission;*
- *without prejudice to Article 207, to prepare reports, formulate opinions or undertake other work in the area of its competence at the request of either the Council or the Commission or on its own initiative.*

The Committee shall work as appropriate with other relevant bodies and committees dealing with social and economic policy matters.

In fulfilling its mandate, the Committee shall establish appropriate contacts with the social partners.

Each Member State and the Commission shall appoint two members of the Committee.

On the assumption that Article 144 is deleted this provision could be inserted as a new Article 144 in its place. The proposed text is modelled on Article 130 which provides the base for the Employment Committee, and the text of the decision to set up the Social Protection Committee.

28 September 2000