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The European Parliament: An Ally for Social Service Providers in Europe?

Introduction

The European Parliament and EASPD

2009 was characterised on a European level by elections to the European Parliament. This European institution – the only one directly elected by citizens of the Member States by means of universal suffrage – is called upon to renew its assembly every five years. The year was therefore one of political campaigning at both national and European level to elect 736 MEPs from 27 Member States.

As a European, and despite the significant rate of absenteeism that persists, I cannot but be heartened by the progressive increase in the powers of this institution, which the entry into force of the Lisbon Treaty on the 1st of December confirmed, as well as by the interesting shifts that have taken place in the field of gender balance. Indeed, now more than one third of the new assembly is made up of women.

The European Parliament has progressively shown itself to be a formidable player in the process of decision-making at EU level. As such, it will play a major

role in developing measures directed at the disability sector and at social service providers. It is for this reason that it is important for EASPD to ensure it has an active presence on the European parliamentary scene, in particular through the Disability Intergroup. Service providers, along with persons with disabilities, need to make their point of view heard there in order to facilitate the implementation of quality services according to the means decided upon by each Member State.

Another issue which will require collective mobilisation on the part of service providers is that of clarifying the rules governing Social Services of General Interest (SSGI). The majority of providers belong to this service category. Service providers will have to develop strong links with MEPs in order to ensure that the principles agreed upon at European level are in line with everyday reality at the local level. It is in this way that

EASPD can make a difference as a European association, comple-

mented by the actions undertaken by other organisations of the European economic and social scene.

Finally, let us not forget that as far as the disability sector is concerned, even if the principle of subsidiarity is in place, a strong mutual influence exists between national and Community levels owing to the work of MEPs. Their presence represents a European identity that is something greater than the sum of national identities. EASPD, especially through the exchange of good practice that it promotes, enables us to become partners of their work in each country where the support of those with disabilities is a concern.



Bernadette GROSYEUX, General Director,
Centre de la Gabrielle - Mutualité Fonction Publique, France
Member of the Board of EASPD

What is the European Parliament and how does it work?

The European Parliament is one of the main institutions of the European Union. If the Council of the European Union represents the voice of

the Member States and the Commission is the body promoting the common interest of the Union, the Parliament can undeniably be described as “the voice of the citizens”. This institution has certainly come a long way since the constituent session of the European Parliamentary Assembly in March 1958: it has gone from an Assembly composed by representatives of National Parliaments without any real say in European legislation, to a 736 strong¹ assembly directly elected by European

citizens that plays a pivotal role in passing EU laws. Every new Treaty has increased the powers of the Parliament, and the recent entry into force of the Lisbon Treaty will continue this tradition: going forward, the Parliament will enjoy more powers in relation to law making, setting the EU budget and consenting to international agreements negotiated by the Union.

But what exactly is this institution, and how does it work?

The European Parliament in brief

As mentioned, the EP is elected by EU citizens by direct and universal suffrage to represent their interests at EU level. Elections are held every 5 years, and every citizen of the Union has the right to vote and to stand for elections wherever in the EU they may reside. It follows that Parliament expresses the democratic will of the people of Europe and represents their interests in its dealing with the other institutions.

Members of the European Parliament do not sit in national groups; rather they belong to **pan European political groups**. Currently there are seven political groups represented, ranging from pro-European to *Eurosceptics*. Some MEPs do not belong to any group, and they are known as the "non-attached" members.

The Parliament has three seats: Luxembourg, where the General Secretariat is located, Strasbourg, where the plenary sessions take place, and Brussels, where Committees and political groups meet and mini-plenary weeks are held.

The role of the European Parliament

The Parliament operates in three main areas: it participates in the legislative process, it exercises democratic supervision of the other EU institutions and it manages the Union's purse together with the Council.

Legislative powers: The legislative powers of the EP have progressively been increased with every new Treaty, and the recently ratified Lisbon Treaty will actually put the Parliament on a par with the Council in terms of deciding the vast majority of EU laws with the co-decision procedure.

The European Single Act of 1987 introduced the "cooperation" and the "assent" procedures, to allow for a greater involvement of the EP in decision-making processes. Under the **cooperation procedure**, EP can give its opinion on draft Regulations and Directives put forward by the Commission. In case of rejection of a proposal with absolute majority by the Parliament, the Council of Ministers can only adopt a measure by unanimity.

The **assent procedure** was introduced in 1986 in two sectors: association agree-

ments and agreements governing accession to the European Union. The scope of this procedure has been extended by the Maastricht Treaty (1992). It applies to several legislative fields in which the Council takes a unanimous decision. Since the Treaty of Amsterdam these have been reduced to the Structural and Cohesion Funds (Article 161 of the EC Treaty). Since the Treaty of Amsterdam, Parliament's assent is necessary when the Council notes there is a risk of a serious breach of fundamental rights by a Member State. The assent procedure has been replaced by the co-decision procedure for provisions relating to the rights of movement and residence for EU citizens.

The European Parliament has the power to block legislation in these various areas meaning that the Council cannot adopt the act without Parliament's assent.

The procedure that puts Parliament on an equal footing with the Council, and that, under the Lisbon Treaty, will become the "**ordinary legislative procedure**" is that of **co-decision**. This procedure applies currently to two thirds of EU laws, in areas ranging from consumer protection and the free movement of workers to education and health programmes. The Lisbon Treaty has now extended it to immigration, health and structural funds, among others.

This procedure is quite complicated as it involves several "readings" of a proposed legislative text by the Parliament and the Council until an agreement can be reached. It essentially gives the EP a right of veto in case the two bodies cannot agree on the text to adopt within the agreed timeframes.²

Democratic supervision: The Parliament also exercises democratic supervision over the other EU institutions. What this means is that Parliament monitors the work carried out by the Commission and the Council. The Parliament must approve a new Commission when it takes office, even though its individual members are nominated by the Governments of the various Member States. The Parliament interviews all Commissioners-designate and then votes to approve the new Commission in its entirety (i.e., it cannot vote on the individual members). The Com-

mission continues to be accountable to the Parliament during its entire term in office: the Parliament has the power to dismiss the Commission as a whole via a motion of censure. The EP also oversees the daily management of European policies by putting forward oral and written questions to the Commission and the Council. Finally, the EP receives updates on the decisions taken by the Council directly from its President.

Powers of the purse: the Parliament approves the EU's budget submitted by the Commission together with the European Council. The Treaty of Lisbon has now given equal powers to the Parliament and the Council to determine all expenditures together, as previous distinctions between compulsory spending (in which the EP had no say) and non-compulsory spending have dropped off. The Parliament approves on a yearly basis the budget proposed by the Commission, which is in his powers to reject. This allows the Parliament to influence EU's policymaking.

How is the Parliament organised, and how does it work?

Members of the European Parliament (MEPs) divide their time between Brussels, Strasbourg and their constituencies. Strasbourg is the seat of the plenary sessions that are held 12 times a year. Brussels is where MEPs attend meetings of the parliamentary committees and political groups, and additional plenary sittings. The Members of the European Parliament are grouped by political affinity rather than by nationality, and they exercise their mandate in an independent manner.

MEPs elect a President for a renewable mandate of two and a half years whenever a new term in office begins.

The role of the **President** is that of supervising the work of the Parliament and of representing it externally. They also represent this body at European Council meetings and sign, together with the Council President, all EU legislation and the budget.

The preparatory work of the Parliament is carried out in the **Parliamentary Committees**: these are 'thematic' bodies

1 The total number of MEPs will soon increase to 754 due to the entry into force of the Lisbon Treaty.

2 Full details on the co-decision procedure can be found on the EP web site at: <http://www.europarl.europa.eu/parliament/expert/staticDisplay.do?id=55&pageRank=3&language=EN>

composed by MEPs that are in charge of specific topics, such as 'Employment and Social Affairs' or 'Civil Liberties, Justice and Home Affairs'.

The core legislative work of the EP is done in these Committees, that effectively prepare the proceedings of the full House. Members of each Committee are elected based on their expertise and according to political affiliation. The main role performed by the Committees is that of scrutinizing and debating proposals for new EU legislation presented by the European

Commission (the institution that holds the 'Right of Initiative'). However, the Parliament has the right of putting forward its own proposals. These are known as "own initiative reports" and can be undertaken on issues that fall within areas of EU competence. These reports are normally non binding, yet they can be a powerful tool for the Parliament to put pressure on the Commission to suggest new legislative proposals.

For any proposal for legislation or other initiative, a *rapporteur* is nominated by

agreement between the political groups that make up Parliament. Their report is discussed, amended and voted on within the Committee itself and then presented to the full House, which will debate and vote on the basis of the report submitted by the Committee.

In preparation for Parliament's vote of approval of the European Commission, the Parliamentary Committees also conduct hearings of the Commissioners-designate in their specialised areas.³

Interview with Ms. Pervenche Berès, Chairwoman of the Committee on Employment and Social Affairs (S&D – France).

With the ratification of the Treaty of Lisbon, what changes should we expect in the social services sector, and how will the work of the Committee on Employment and Social Affairs be affected?

The Employment and Social Affairs Committee is at the core of the disability drive, even if other Committees are involved too, especially the Committee on Human Rights and the Legal Affairs Committee, who are mostly committed from an anti-discrimination point of view.

We will slowly but surely discover what we can get out of it, but we can already say that the Lisbon Treaty brings with it two decisive, structural elements, upon which we will be able to draw:

- ★ The horizontal clause (article 9): It is not binding, so its implementation will depend on the work of the parliamentary members. Having said this, it is very important especially considering it is the first time that social and employment questions are highlighted in such a clear way.
- ★ The second question is that of Social Services of General Interest (SSGIs): There is an interpretation being developed by the European Commission, of which certain services believe that the measures of the new Treaty and the protocol alone suffice, and as a result cannot see the point of creating a sector-specific Directive. In my opinion this is a misplaced interpretation and we must therefore fight for sector-specific legislation for SSGIs.
- ★ In order to be consistent with the Treaty, the question of studying the impact on the social sector will be essential (the Group of the Progressive Alliance of Socialists and Democrats will make a point of this).

What will be the priorities of the Employment and Social Affairs Committee for social services, and in particular those dealing with disability, over the course of the current term?

Among the priorities, in the form of reports, several questions will be approached: disability will be tackled, from the point of view of mobility, of inclusion and of employment, and of the implementation of existing Directives, despite the fact that there are still deficiencies here. Having legislation is not enough if it is not implemented. In the disability sector especially, European legislation

has been unsatisfactorily put into practice: we must turn words into actions, and see what initiatives must be taken.

The Commission disposes of an effective instrument that it doesn't use very often with Member States, and that could be very useful in the Disability field: the infringement proceeding. It is a powerful tool that the Commission could use to push priorities in the social and disability fields. For example, it could have been used during the discussions on Working Time.

Speaking more broadly, there are other important subjects to tackle: employment issues, for example, aren't well incorporated into the macroeconomic strategies of the EU. Employment always takes second stage in discussions, while it actually deals with the most important resource our Union has: its human capital.

We have recently started to work on a report on "new jobs", i.e. green jobs. Job creation doesn't happen automatically and today it has become clear that growth curves and employment curves are not parallel: it is therefore necessary to think about how to make the distribution of credits conditional to job creation.

The topic of Social Services of General Interest (SSGI) will be tackled from two different perspectives: the economic, financial and social crisis and the newly adopted Lisbon Treaty.

We will also deal with intergenerational solidarity, especially through the question of the ageing population. This issue was causing problems to public finances even prior to the outbreak of the crisis. If we re-build financial markets without taking into proper account the demographic challenge, we will face serious problems. It is our intention to take the opportunity given by this report to really reflect on the ageing population and not be sidetracked by issues like immigration or falling birth rates, important though they may be. We will also concentrate on the relationship between the rebuilding of financial markets and the ageing population.

Funded pension schemes have proven to be very fragile systems, and if we reflect upon social security schemes, we can conclude that they were based on systems that weren't necessarily secure. These topics will impact on public finances in an increasingly serious way, notably on their distribution.

All this is directly linked with funding systems for SSGIs, which is the very reason why we must fight for a fair re-distribution of finances.

It is my personal belief that the seriousness of the current financial crisis threatens the mechanisms of wealth redistribution policies, though they were already weak before the crisis struck. There is a real need now to find new funding mechanisms, otherwise it will not be possible to fund properly neither the ageing of the population and all it entails, nor the additional jobs that are needed. We cannot wait to reach a growth rate of 10% to start thinking about outreach work and employment in social services.

The last important question that I would like to mention in this context is that of corporate governance: it is essential to promote alternative models of entrepreneurship, such as, for example, cooperatives and mutual societies. It is important to deal with the way in which employees are associated in the decision making at corporate level and their involvement in issues such as minimum income, salaries and benefits and so on. There is a lot of improvement to be brought about in these areas.

The financial and economic crisis is having a terrible impact on social services across Europe, given cuts in budget allocations while the demand for services is on the increase.

I would invite you to follow the debate that took place last week (mid November, Ed.), about the EU's plans to help Latvia, a country that has been very hard hit by the crisis. The Latvian Government is planning to propose severe budget cuts to the financing of social services, rather than, for example, review the salaries of its Ministers. The European Commission is worried about this, yet its conduct is not much different from that of the International Monetary Fund in the past, most notably on the question of conditionality. The Commissioner stated that the Commission wasn't in a position to do much for Latvia, yet, at the same time, the Commission declared in its report on the sustainability of public finances that social conditionality would be applied to any money lending.

A way to approach this issue is from the financial point of view. Tax avoidance has a detrimental impact on Governments' ability to fund social services. I am supportive of a request by social services for increased funding in a debate that would tackle the questions of tax increases and decreased governmental spending. However, tax regimes must also be fair. The European Parliament must debate these issues even though they are mainly a national competence.

Independently of whether or not the horizontal clause on public services will enter into force, the internal market remains the backbone of the EU. Yet, fiscal and social dumping have never been analysed so far as a contradiction inherent to the good functioning of the common market. This is why the mission that has been entrusted to Mario Monti is so essential: he will debate it in early 2010 within the special Committee on the Crisis. (Mr. Monti was entrusted by the Commission President, Mr. Barroso, to prepare a report on the re-launch of the single market, Ed.). All these issues must be tackled at the same time: the countries that have profited from social dumping in the past are now without resources, and are in dire need of reconstructing their tax revenue base if they don't want to destroy their "welfare states". Afterwards it will be necessary to shift our

attention to the fight against tax havens and all sorts of fiscal evasion, which impede an adequate funding of social services.

What can the EP do to ensure the sector of social services will be properly financed and to promote employment in this field?

We must make an effort to ensure adequate training opportunities for people employed in social services: this is an absolutely essential issue. However, let's not forget that this topic is tightly linked to the question of funding. We already discussed the need to increase taxes in a socially correct way, and of the necessity to eradicate tax evasion, but we must also reflect on other available tools. For example, we started to debate the opportunity of introducing a tax on financial transactions. This goes beyond a debate on Tobin taxes, since this possible tax should be pervaded by a spirit of social justice: it could help to plan for long term investments based on solidarity.

Could you give us some clarifications on the role of the special Committee on the Economic, Financial and Social Crisis?

The mandate of this special Committee is to reflect on what needs to be done to ensure that a similar crisis doesn't happen again, and to reflect on the importance of learning a lesson from the current situation. The Committee will also think about strategies to overcome the crisis and on the workings of the EU more generally. We shouldn't hope for a miracle – the Committee will mainly provide an arena for discussions in the medium term. For example, we need to ensure that the new jobs that will be created are both stable and decent. Additionally, all measures we take today must not be in contradiction with our long term objectives. For example, let's consider employment in the automotive sector: strategies for re-training employees must be put in place.

The EP is the only EU institution that is directly elected by the citizens; however there is a lower turnout at every election. Also, it works on EU legislation, yet his members are elected on issues of national policy. What can the EP do to redress this situation?

The European electorate is frustrated with the slowness of European processes – it always takes a long time for EU bodies to be formed after the elections. It becomes therefore necessary to show the added value of the EU. Sometimes, the way in which this is done is misunderstood by European citizens. Yet in some areas, such as climate change, the EU clearly plays a leading role.

The other half of the problem stems from social issues: unless we can show that Europe can properly articulate the preoccupations and worries of the working classes and propose clear, long term projects, we will only exacerbate a sort of despair with respect to democracy.

I think that any progress in the creation of a real European public opinion rests with political parties and the media, and their ability to propose both solid political programmes and good candidates to ensure a higher turnout at elections.



Ms. Pervenche Berès,
S&D – France

Parliamentary Intergroups

Intergroups are informal bodies that exist within the European Parliament. They are made up of MEPs from different political groupings who nevertheless share a common interest in a certain subject. They are intended to serve as links between Parliament and civil society, as they provide a forum for dialogue between organisations, lobbyists and MEPs. They are not considered to be organs of the Parliament itself, but certain registered Intergroups are entitled to receive parliamentary funding and resources. For this they must be endorsed by at least three different political parties. Unregistered Intergroups also exist, and their numbers continue to rise.

The Intergroups of the European Parliament have various objectives. Some have broad aims, such as the promotion of European integration, while others are more specific (e.g. the Disability Intergroup), or represent particular sectors of the economy, individual regions or different organisations within the Parliament.

For more information please see:

http://bookshop.europa.eu/eubookshop/download.action?fileName=QA7007089ENC_002.pdf&eubphfUid=10576580&catalogNbr=QA-70-07-089-EN-C

<http://archive.corporateeurope.org/crosspartygroups.pdf>

Patricia Murray, EASPD

Three of the Intergroups that have been newly set up at the European Parliament are of particular interest to EASPD:

Intergroup on Disability:

The Intergroup on Disability has been set up again and will now convene under the auspices of a new President, Dr. Ádám Kósa (Hungary – EPP) to discuss all matters that are relevant to people with disabilities in the EU. Dr. Ádám Kósa is the first deaf Member of the European Parliament and has been involved in the disability movement both at national and international level for many years.

Intergroup on Public Services:

The Intergroup on Public Services has been set up with the objective of debating issues related to Services of General Interest and Social Services of General Interest in light of the changes introduced by the Lisbon Treaty. The Intergroup will also promote debates and proposals on the new legal powers of the Parliament related to Services of General Economic Interest and on the need of legal certainty for those SGEIs that are not covered by sector specific legislation.

The President of this Intergroup is Françoise Castex (France – S&D).

Intergroup on Social Economy:

The Intergroup on Social Economy, co-chaired by Mario Mauro (Italy – EPP) and Marc Tarabella (Belgium – S&D), has the aim of working on all issues relevant to the sector of social economy. Social economy enterprises are organizations operating on an alternative entrepreneurial model combining general interest, economic performance and democratic operations.

Given that many social economy enterprises provide social services, issues relevant to SSGIs will also be looked at. This will be done in partnership with the Public Services Intergroup to ensure coordination of work and to avoid duplication of actions.

EASPD will try to contribute actively to the work of these three Intergroups, and will keep its members informed about all relevant developments.

Parliamentary Intergroups and social services: a reflection by Kinga Göncz, MEP

The sector of social services and social economy provides more than 10% of jobs in Europe. It has enormous potential in terms of job creation and also of providing high quality services to the people most in need. The consequences of the financial and economic crisis are felt first and foremost by the most vulnerable groups of the society not only because of the decrease of jobs and employment opportunities in general, and for disabled persons in particular, but also because the social expenditures have been cut in most countries, in some cases drastically. The sector faces dramatic challenges as we look at the ageing of population, high levels of social exclusion and mobility of workers.

It's necessary that we create a platform on the European level where we can exchange views and share best practices, keep permanent dialogue and consult on the most important issues and discuss the need for a strong Social Europe. It's also important that we permanently assess, evaluate and debate the development of European policies that have an impact on the sector, being it such legal instruments as public procurement rules, or the state aid regulation.

As a member of the group of European Socialists and Democrats, and as a professional involved in dealing with social issues for decades, I deem it very important to advance the issues of improving social services throughout Europe. I know the professional commitment of Mr. Zelderloo and the organization EASPD to promote equal rights and equal opportunities of disabled people throughout Europe, including in the new member states and candidate countries. Their background support for the Intergroup will be a guarantee for a „down to earth“ approach, serving those who are most in need, promoting equal access to social services, strengthening the social economy and the values of social Europe.



Dr. Kinga Göncz, MEP

Employment, Inclusion, Welfare and Services – The Social Policies of the EPP and S&D Parties

With the ratification of the Treaty of Lisbon, the European Parliament has been granted a new and increased role in the decision making process of the EU. There are seven major European parties to which MEPs belong, with only 3.7% of them unaffiliated to any of them. The EPP (**European People's Party**) and S&D Group (**Group of the Progressive Alliance of Socialists and Democrats in the European Parliament**) are the two largest of the seven. Since the European elections of June 2009 they collectively represent 449 of the 736 MEPs. With 265 elected members, the EPP is the most widely represented of the two, and currently holds a majority in the European Parliament. The centre-left S&D party has 184 elected members, making it the second most widely represented grouping. But what are the social policies of these two leading European parties, and what can the disability sector hope to feature on the social agenda of the European Parliament's current term?

The **EPP** has listed the creation of a value-based society for Europe as one of its chief social aims. Perhaps the best known EPP member, President of the European Commission José Manuel Barroso, recently echoed this commitment in his 'Political Guidelines for the Next Commission' (September 2009). In it he declared that 'values', the empowerment of European citizens, and the advancement of a 'people's Europe' should become the guiding principles of EU policy and decision making from now on. This seems to be in keeping with the EPP party line, which recently declared that the values of social inclusion, protection and cohesion will feature strongly in EPP social policy going forward. In 2009 the EPP affirmed its commitment to the promotion of active participation in society for all, and specifically declared increasing the labour market participation of persons with disabilities to be one of its future goals. In its 'Ten Priorities' for the 2009-2014 period, it affirmed that the EU has a responsibility to promote social and economic cohesion by '*helping to encourage the right of everyone to work more in order to increase their resources*'. Related to this is the EPP's support for the policy of 'flexicurity', where job security and flexibility reinforce and complement each other, and where lifelong learning strategies are implemented '*to ensure the continual adaptability and employability of workers*'. Rapid changes in the labour market – something which has had a major effect on employment in the disability sector – should be dealt with through effective policies that help people to cope, and

vocational training – a common training option for persons with disabilities – should be recognized through the correct implementation of the National Qualification Framework. The promotion of 'decent work for all' is also a declared priority of the EPP, who believes that an integrated approach to combat unemployment, secure rights at work, guarantee worker security and combat discrimination is needed. Reliable systems of social security should also be set up, and health care in general should be promoted by restructuring the health system where needed.

For the **S&D group**, a major issue to be addressed is that of public services. As services are key factors in the quality of life of all citizens, it believes that quality and equality of access to services need urgently to be assured. However, the major stumbling block to this is the lack of specific legislation and legal clarity regarding services of general interest (SGIs) at EU level, it claims. Even with the ratification of the Lisbon Treaty, there is much legal complexity and uncertainty surrounding SGIs, and the extent to which policies such as that of public procurement will affect them in the future is still uncertain. The S&D party is therefore clear in its position: '*to safeguard services of general interest and put an end to legal uncertainty, Europe needs – without delay, and in parallel to current work on the broader Services Directive – a general EU legal framework for SGIs*'. It is the responsibility of the EU to protect these services, which should above all not be exposed to the same risks and market fluctuations as other sectors, it believes. If this is done, the result will be greater legal clarity for SGIs and greater protection for them in general, which will contribute towards ensuring citizens' rights and a better quality of life for all. What's more, a clearer EU framework would indirectly contribute towards boosting the economy, combating social exclusion and strengthening social cohesion. The EU should not be the sole decision-maker in the process however: its main role should be that of setting key standards by which individual Member States should abide, and thereafter allowing national authorities to organise SGIs according to their traditions. All in all, what S&D proposes is a '*European Framework for public services, guaranteeing universal and equal access for citizens, quality, local autonomy and transparency in public services, maintaining their integrity as defined at national level, so that European competition and business rules do not run counter to citizens' rights*'.

For more information, please see:

http://www.eppgroup.eu/policies/empl/policy_en.asp

<http://stream.epp-ed.eu/Activities/docs/year2009/2009-2014group-priorities-en1.pdf>

http://www.socialistsanddemocrats.eu/gpes/public/polidetail.htm?topicid=594§ion=POL&category=POLI&request_locale=EN

http://www.socialistsanddemocrats.eu/gpes/media3/documents/2928_EN_manifesto_en_2009.pdf

Detailed information on other European parties' social policies was not extensively available at the time of writing. For more information on these, please see:

<http://www.alde.eu/en/> (ALDE)

<http://www.greens-efa.org/cms/default/rubrik/6/6270.home@en.htm> (Greens/European Free Alliance)

<http://www.ecrgroup.eu/> (ECR - European Conservatives and Reformists Group)

<http://www.quengl.eu/showPage.jsp> (GUE/NGL - European United Left/Nordic Green Left)

<http://www.efdgroupp.eu/> (EDF - Europe of Freedom and Democracy)

Patricia Murray, EASPD

The Lisbon Treaty and the EP: new powers, a new role?

One of the stated **objectives of the Lisbon Treaty** is the creation of a more 'democratic and transparent Europe'. The changes that the Treaty has made to the powers and functions of the European Parliament – being the only directly elected body of the EU – can therefore be seen to fall under this aim.

The new Treaty has **increased the powers** of the EP in a number of significant ways. Previously, the Parliament and the Council of Ministers could consult and reach agreement only on certain matters (through the '**co-decision**' procedure described above). On other matters, the Council alone had the final say. The Treaty of Lisbon has **greatly increased the number of matters which must be decided jointly through the 'ordinary legislative procedure'**. This will give a double legitimacy to EU level decision making: the legitimacy of the people of the Union (represented by the Parliament) and the legitimacy of the Member States (represented by the Council).

Effectively the Treaty has therefore **placed the European Parliament on an equal footing with the Council of Ministers**. There are some issues on which the Council still has the final say (known as '**special legislative procedures**'), although even here EP consent will still be required in most cases. One area that will follow the special legislative procedure is that of **legislation prohibiting discrimination** based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, based on art 19 of the Treaty on the Functioning of the EU (formerly art. 13 of the TEC).

All in all, the Treaty has extended the '**ordinary legislative procedure**' to **over 40 new fields**. These include the areas of **legislation, finances** and **international agreements**:

★ In terms of **legislation**, the EP will have new decision-making powers in the fields of **agriculture, immigra-**

tion, asylum, energy security, trade policy, justice and home affairs, health, and structural funds, among others.

★ In terms of EU **finances**, joint approval from the EP and Council will now be necessary in order to pass all **budgets**.

★ In the **international** field, all agreements that fall within the working areas of the EP will now require EP approval.

One of the fields in which the EU will be able to legislate is that of **social policy** and social services. **Article 14 of the TFEU** seems to give the EU a new role to legislate in this field:

"...given the place occupied by services of general economic interest in the shared values of the Union as well as their role in promoting social and territorial cohesion, the Union and the Member States, each within their respective powers and within the scope of application of the Treaties, shall take care that such services operate on the basis of principles and conditions, particularly economic and financial conditions, which enable them to fulfil their missions. *The European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure, shall establish these principles and set these conditions without prejudice to the competence of Member States, in compliance with the Treaties, to provide, to commission and to fund such services.*"⁴

This article seems to recognise the role Member States play in organizing services within their borders, but also to confer power upon the Council and the Parliament to pass legislation in this field. A publication of the European Commission, however, underlines the fact that "[t]he EU is to refrain from any action that would detract from Member States' role in providing services of general interest such as health, social services, police and security forces, state schools."⁵

Protocol 26 is described as an "interpretative provision". Its text recognizes the "essential role ...of national, regional

and local authorities in providing, commissioning and organising services"; "...the diversity between various services of general economic interest and the differences in the needs and preferences of users...". It also states that the provisions contained in the Treaties "...do not affect in any way the competence of Member States to provide, commission and organise non-economic services of general interest." So once again, the competence of National Governments in this field is underlined, as is the notion of "general economic interest". Article 2 interestingly discusses "non-economic services", and it shall be interesting to monitor what services will be encompassed by this definition. **Quality of social services** is also mentioned in this Protocol, where it is described as "one of the shared values" of the EU in respect to SGEIs, together with "safety, affordability, equal treatment and the promotion of universal access and of user rights".

Finally, it is worth mentioning that "access to services of general economic interest" is recognised and respected as a fundamental right of EU citizens, "in order to promote the social and territorial cohesion of the Union." This right is outlined in article 36 of the Charter of Fundamental Rights of the European Union adopted at the EU Council of Nice in December 2000, which has now been made binding by the Lisbon Treaty.

Going forward, the Parliament will be **responsible for electing the President of the European Commission**, on the basis of the pre-selection made by the EU's Heads of State and Government, taking into account the results of EP elections. The High Representative for Foreign Affairs and Security Policy, together with the **European Commission** as a whole, will also require **parliamentary approval and an EP vote of consent**, and will therefore be **accountable to the Parliament**.

The EP has also been granted the right to **propose changes to the Treaty**, and it will have the right of initiative regarding proposals concerning its own composition.

4 The text in italics is what has been added by the Lisbon Treaty.

5 European Commission, "Your Guide to the Lisbon Treaty", p.8.

As mentioned earlier, the Treaty brings a **further 18 MEPs** into the Parliament. The EP, along with the Council, will now be in charge of **fixing the number of MEPs per Member State** (which from now on will be proportional to the number of citizens in each country). It caps the maximum number of MEPs that a large Member State can have to 96, while the minimum that a small State can have will be 6.

Another very important change brought about by the Lisbon Treaty is the obligation for the EP to fully respect citizens' rights, by **keeping in line with the Charter of Fundamental Rights, which is fully embedded in the Lisbon Treaty**. The Parliament will have another tool to ensure that the voice of EU citizens comes across in the institutions: the EP will be the guardian of the new **right of citizens' initiative**, which states that EU citizens

can call for new legislative proposals if supported by one million signatures.

The intention of giving a stronger voice to European citizens is also reflected in **the right to object to European level legislation that has been granted to National Parliaments**, who can now ensure that EU proposals and legislative initiatives comply with the principle of **subsidiarity**.

Conclusions

The Lisbon Treaty brings about important changes that will shape in a new way EU lawmaking. It is EASPD's hope that the EP will take this opportunity to push forward social rights in Europe.

Whatever step the Parliament and the other EU institutions will decide to take in this respect, based on the provisions of art. 14 TFEU and on the Protocol No. 26 on Social Services, EASPD's hope is that the unique role played by social services in guaranteeing social cohesion and providing for the needs of the most vulnerable citizens will be recognised by European law makers, that all efforts will be made to ensure that they can function in the best interest of users, and that their availability, affordability, accessibility and quality will be not compromised by a prevalence of single market rules.

The Treaty sets out a number of provisions that should make this possible. In addition to the provisions on social services described above, it is worth looking at some other articles. Article 3 of the new Treaty on the European Union states that the EU "shall work for the sustainable development of Europe based on ... a highly competitive social market economy, aiming at full employment and social progress. It shall combat social exclusion and discrimination, and shall promote social justice and protection ...".

Art. 9 of the TFEU, the so-call "horizontal social clause" should help to ensure that social issues remain high on the institutions' agenda, given that it calls for the "promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health.

References:

- The European Parliament booklet
- How the European Union Works, European Communities publications, 2007
- Pascal Fontaine, Europe in 12 Lessons, European Communities publications, 2006
- Your Guide to the Lisbon Treaty, European Communities publications, 2009

Newsletter edited by Miriana Giraldi

Articles by Miriana Giraldi unless otherwise stated.

EASPD would like to thank Patricia Murray for her precious contribution to this newsletter.

FOR MORE INFORMATION:

Contact the EASPD office at miriana.giraldi@easpd.eu or

Oudergemselaan / Av d'Auderghem 63
B-1040 Brussels ★ T +32 2 282 46 10

- ★ Visit the policy section of the EASPD website at www.easpd.eu.
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Feedback and comments on this newsletter are welcome and should be sent to miriana.giraldi@easpd.eu.



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