



Resolution on the ETUC and the Lisbon Treaty

Adopted at the Executive Committee on 1-2 December 2009

1. On 1st December 2009, the new Lisbon Treaty came into force. The new Treaty is a better one than the current provisions of the Nice Treaty but it does little to advance social progress.
2. The final signature on the Lisbon Treaty puts an end to a nine-year-long story, which started with the leftovers of the Nice Treaty, continued with the European Convention 2002/2003 and ended with the ratification by the Czech Republic (in November 2009). The ETUC took part in the whole process with major demonstrations in Nice in December 2000, calling for the adoption of the EU Charter of Fundamental Rights as part of the Nice Treaty, to make the Charter legally binding, and then another one in Laeken in December 2001 to demand a role for the trade unions in the process of revising the European treaties. The ETUC finally obtained a place as observer in the European Convention. At the last meeting of the Convention, former ETUC General Secretary Emilio Gabaglio put his signature to the text adopted by the Convention.
3. The ETUC will be exploring with its affiliates the new provisions of the Lisbon Treaty, how to use these provisions and how to build on its positive social features, many of which were included as a result of ETUC pressure:
 - the reinforcement of social values and principles (such as solidarity, equality and gender equality, non-discrimination, etc.),
 - the social and employment objectives ('full employment', 'social market economy'),
 - the recognition of the role of the social partners,
 - the incorporation of the Charter of Fundamental Rights,
 - the right of initiative for citizens,
 - the legal base for services of general interest,
 - the social clause.
4. Some important demands of the ETUC were not met in the negotiations of the European Convention:
 - qualified majority voting to become the usual procedure for social policy,
 - "economic governance" to be introduced, in particular in the euro zone,
 - social governance if necessary via enhanced cooperation to avoid a standstill.
5. The scope for "enhanced cooperation" will need consideration under which a

group of eight or more countries could proceed and a multi-speed Europe could be introduced. The ETUC has already in the past agreed to consider the need for open groups of countries to relaunch political, economic and social integration, as a last resort solution to avoid total standstill. Such a “social core Europe” would have to be aimed at integrating other Member States as quickly as possible and bringing them up to higher social standards, in order to stop a lasting social rift in the EU. The ETUC is committed to establishing a European social union.

6. On public services, the Lisbon Treaty brings about new institutional developments. The logic of the Lisbon Treaty is one of greater openness in the debate on Services of General Interest (SGI), linked to a democratisation of the decision-making process at European level: introduction of co-decision, alongside the discretionary powers of the Commission based on the present Article 86 of the EC Treaty. Commission President Barroso has promised to promote a “legal framework” for public services.
7. The creation of the posts of President of the Council of Ministers and of the High Representative for foreign affairs – with an extensive diplomatic representation abroad through the European External Action Service – present opportunities that need exploring further. In particular, the ETUC calls for the inclusion of labour and employment counsellors in key EU representations worldwide.
8. The Lisbon Treaty brings trade policy under the same EU external action heading as other elements of EU external policy; and extends significant new powers to the European Parliament in relation to trade. The ETUC will take advantage of these advances to press further for improved coherence between the EU’s trade and foreign, development and employment policies; and for the inclusion of strong provisions on decent work and labour standards in all EU trade agreements.
9. It is probable that the EU will not start another “big” treaty revision for a long time, but will limit itself to progress on some dossiers like closer cooperation on economic governance in the Euro zone, closer political cooperation (on industrial policy, climate change, just transition ...), and a limited number of enlargements (Croatia, Iceland etc.).
10. However, different “leftovers” from the Irish referendum and the ratification by the Czech Republic have to be annexed to the next treaty revision which is to be expected in 2010/2011. The ETUC is opposed to the “opt outs” from the Charter. The ETUC will seize the opportunity to press for the inclusion of the Social Progress Protocol in this next mini-revision. After a recent meeting with President Barroso, it is evident that this will not be easy as the UK Government blocked a clause in the Irish protocol similar to the Social Progress Protocol. Prime Minister Brown argued that he would be compelled to hold a referendum on the Treaty if such a clause was included. The UK Government attitude will be worse if the Conservatives win the election in May 2010. The ETUC is looking at using the Monti exercise to take forward this work. Ex-Commissioner Monti has been asked by the President of the European Commission to review the

relationship between the EU single market and social Europe. When he was a Commissioner in the late 1990s, Mr Monti upheld social standards by inserting a social clause in the “single market for goods” directive. The clause is the model for the ETUC proposal for a Social Progress Protocol.

11. The ETUC will come back to these issues and explore more in detail the modifications and its consequences for the ETUC strategy, in particular on public services and fundamental rights.