



Opinion 131 (1987)¹

Preliminary draft additional protocol to the European Social Charter

Parliamentary Assembly

The Assembly,

1. Recalling its [Recommendation 839 \(1978\)](#), on the revision of the European Social Charter ;
2. Recalling its [Recommendation 1022 \(1986\)](#), on the European Social Charter : a political appraisal, in which it asked the Committee of Ministers, inter alia, to consult the Assembly before adopting the draft additional protocol ;
3. Accordingly welcoming the fact that the Committee of Ministers has done so ;
4. Noting that the four new rights envisaged in the preliminary draft protocol correspond to only some of the proposals made by the Assembly in its [Recommendation 839](#) ;
5. Realising that a protocol is not equivalent to full revision of the text of the charter, but is nonetheless a valid formula, having regard to the complications involved in reframing a legal instrument ;
6. Noting also with satisfaction that the preliminary draft protocol takes account to a large extent of changes in labour law, conceptions of social policy and even terminology, since the charter was drawn up ;
7. Considering that this first additional protocol should soon be followed by others, containing new rights which reflect the spirit of [Recommendation 839](#), but also other work done by the Assembly in the meantime,
8. Recommends that the Committee of Ministers amend the preliminary draft as follows :

Part II

Article 1, paragraph 4

To avoid arbitrary application and misinterpretation, this paragraph should be worded more precisely, possibly giving examples.

Article 2, paragraph 1.a

The words "in a detailed, comprehensible way" should be inserted after the words "to be informed ...".

Article 2, paragraph 2

This paragraph should include an affirmation of the principle that the consultation referred to in the article is in no sense a substitute for collective bargaining.

Article 3, paragraph 1

"Participate in" should be substituted for "contribute to".

1. Assembly debate on 26 January 1987 (21st Sitting) (see [Doc. 5665](#), report of the Social and Health Affairs Committee). Text adopted by the Assembly on 26 January 1987 (21st Sitting).



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A new sub-paragraph d should be added, referring to : “social and socio-cultural services and facilities within firms”.

Part III

Article 5

Ratification should apply to all the four main articles in the protocol. Should this solution prove impossible, acceptance of Article 4 and two other articles should be compulsory.

Appendix Appendix to the protocol

Section 1 should be worded in such a way that protection of the four new rights is not restricted to nationals of contracting states.

The paragraph relating to Article 1 should be deleted.

Paragraph 4 relating to Articles 2 and 3 should be deleted.