



## Resolution 915 (1989)<sup>1</sup>

# Future role of the European Social Charter

Parliamentary Assembly

The Assembly,

1. Having regard to its [Recommendation 1103 \(1989\)](#) and to the Political Declaration of the Committee of Ministers of 5 May 1989 on the future role of the Council of Europe in European construction, and welcoming the specific references therein to the European Social Charter ;
2. Recalling its [Recommendation 1022 \(1986\)](#) on the European Social Charter, and the reply given thereto by the Committee of Ministers ;
3. Noting the initiative taken by the President of the Commission of the European Communities for the coming into effect of the Single Market to be accompanied by guarantees for basic social rights,
4. Declares its support for this initiative, on the understanding that levels of protection for 320 million Europeans cannot be allowed to decline on grounds of commercial and economic policy - but on the contrary must be improved, together with those of the 80 million inhabitants of countries not members of the Community but members of the Council of Europe ;
5. Shares the opinion of the Economic and Social Committee of the European Community (Brussels, 22 February 1989), namely :
  - 5.1. that the right path for the European Community "... is not to devise a new instrument, but to enshrine fundamental social guarantees in the Community legal system, with its distinctive supranational features" ;
  - 5.2. that it is important, for the European Community, "... not to classify the legal status of the instruments enshrining the basic social guarantees to be enjoyed by Europeans by using such traditional international social law terms as charter, treaty, convention or covenant. Any other course of action would be tantamount to relegating Community social policy to second place in the completion of the Single Market" ;
6. Considers that the repeated calls for "a Community social rights charter" (Labour Ministers of the European Community, Seville, 7 March 1989) are to be interpreted as the expression of an urgent need for updating and upgrading the Social Charter of the Council of Europe ;
7. Calls on the institutions of the European Community to recognise :
  - 7.1. that social legislation and policy in the Community :
    - a. should not be allowed to descend below the aims and principles of the European Social Charter ;
    - b. will influence ever more strongly, with the coming into effect of the Single Market, relations between the Community and other European countries ;
    - c. should accordingly not be developed in isolation ;

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1. Assembly debate on 9 May 1989 (3rd Sitting) (see [Doc. 6031](#), report of the Social, Health and Family Affairs Committee, Rapporteur : Mr Foschi). Text adopted by the Assembly on 9 May 1989 (3rd Sitting).



- 7.2. that guarantees of a constitutional character should be provided for the human rights dimension of Community social legislation and policy ;
- 7.3. that the European Social Charter :
- a. is already recognised, by virtue of the Single European Act and the case-law of the Court of Justice of the European Communities, as an indirect source of fundamental rights and principles in the Community ;
  - b. already provides a bridge between the Community and non-Community countries of the Council of Europe, and indeed beyond ;
- 7.4. that the human rights dimension of social legislation and policy in the Community can be most effectively and rapidly protected, without any other form of constraint on policy, legislation, collective agreements or action programmes in the Community framework :
- a. through a joint declaration such as that on fundamental rights of 5 April 1977, aiming to establish the European Social Charter as an unquestionable source of fundamental rights and principles in the European Community ;
  - b. by active participation of the Commission of the European Communities, as part of the current initiative for the protection of basic social rights in the Community, in the international conference called for in Assembly [Opinion No. 145 \(Doc. 6030\)](#), on the revision of the European Social Charter - notably with respect to representation of the Commission, the European Parliament and the Community legal order in its future reporting and supervision procedures.