Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1573 (2002)[1]

Ratification of the European Code of Social Security

Parliamentary Assembly

1. The Parliamentary Assembly recalls that, as early as 1950, it clearly expressed the will that the standard of social security be raised to an equally high level in every member state. Despite considerable progress, this objective has certainly not been met, and there are indications that the very concept of raising social security standards is under threat. The Assembly strongly believes that the 1964 European Code of Social Security (ETS No. 48), revised in 1990 (ETS No. 139), represents, together with its Protocol (ETS No. 48A), one of the Council of Europe's main instruments for promoting social cohesion and higher living standards in Europe, and that all Council of Europe member states should therefore sign and ratify these instruments.

2. The Assembly recalls that in the Action Plan of the 2nd Summit of the Council of Europe (Strasbourg, 10-11 October 1997), the heads of state and government "undertake to promote social standards as embodied in the European Social Charter and in other Council of Europe instruments, and call for the widest possible adherence to these instruments".

3. The Assembly regrets that, to date, only eighteen of the forty-four member states have ratified the 1964 Code, while three have signed but not ratified it. Only seven member states have ratified the Protocol, while six others have signed but not ratified it. As for the revised Code, fourteen member states have signed, but none has ratified it. The Assembly welcomes the efforts made by the Committee of Ministers to promote the ratification of these instruments, but considers that more should be done to accelerate the process.

4. The Assembly is aware of the difficulties that member states may face in meeting the standards required for signature and ratification of these instruments, in particular economic and demographic pressures, the sustainability of insurance funds, the priority accorded to preparation for entry into the European Union, and the perception that certain of their provisions may not be appropriate in countries whose social security systems have evolved significantly in recent years.

5. Although the Assembly believes that the European Code of Social Security, its Protocol and the revised Code are relevant even in today's changing climate and provide a solid foundation on which to make further progress towards the ideal of a uniformly high level of social security in the member states, it considers that a thorough review should be made of these instruments so as to ensure that they are adapted to contemporary requirements.

6. In the meantime the Assembly endorses the proposals recently suggested by the Chairman of the Committee of Ministers for improving the procedure for monitoring the implementation of the Code. In particular, the Committee of Experts on Standard-Setting Instruments in the Field of Social Security (CS-CO) should hold an annual exchange of views on measures taken by the Contracting Parties to give effect to the resolutions addressed to them by the Committee of Ministers. The results of this exchange of views should be communicated to the Committee of Ministers for consideration of any necessary follow-up. The Committee of Ministers should also consider holding an annual exchange of views on the state of ratification of the European Code of Social Security, notably on the basis of reports from member states that have either not ratified it, or not ratified it fully, or that have not ratified the Protocol and the revised Code.

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1. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 3 September 2002 (see Doc. 9502, report of the Social, Health and Family Affairs Committee, rapporteur: Mr Tudose).

7. The Assembly itself should play a greater part in this process, organising periodical debates on the application of the Code in the member states.

8. The Parliamentary Assembly therefore recommends that the Committee of Ministers:

intensify its efforts to encourage the process of ratification of the European Code of Social Security, its Protocol, and the revised Code;

step up its programme of assistance to countries seeking to bring their legislation into conformity with these instruments;

invite the Committee of Experts on Standard-Setting Instruments in the Field of Social Security (CS-CO) to hold an annual exchange of views on measures taken by the Contracting Parties to give effect to the resolutions addressed to them by the Committee of Ministers, the results of this exchange of views to be communicated to the Committee of Ministers for consideration of any necessary follow-up;

consider holding an annual exchange of views on the state of ratification of the European Code of Social Security, notably on the basis of reports from member states that have not ratified it, or not ratified it fully, that have not ratified the Protocol, and that have not ratified the revised Code;

instruct the appropriate intergovernmental committees to conduct a thorough review of these instruments so as to ensure that they are adapted to contemporary requirements.