



Doc. 657

29 April 1957

Social aspects of the Treaties instituting u the European Economic Community and the European Atomic Energy Community

Motion for a resolution

tabled by the Social, Health and Family Affairs Committee

The Assembly,

Expressing its satisfaction at the signature of the Treaties setting up the European Economic Community and the European Atomic Energy Community;

Signifying its approval of the chapters of those Treaties which relate to social questions,

Expresses the hope that the comments and suggestions submitted by the Social Committee and appended to this Resolution will be borne in mind when these Treaties come into force.



Appendix Observations and suggestions on the social aspects of the Treaties instituting the European Economic Community and the European Atomic Energy Community

Treaty instituting the European Economic Community

Free movement of workers

1. Article 48 states that there shall be free movement of workers within the Community at latest on the expiry of the transitional period. The Treaty does, however, not establish any definite criteria as to how this aim shall be reached or how the gradual liberalisation of the movement of workers may be co-ordinated with the different stages of the transitional period. A detailed programme of this nature would be of great importance. It should be proposed by the Commission and established by the Council in the exercise of their respective functions under Article 49.
2. While measures to render the free movement of workers possible are necessary and desirable, the appropriate organs of the Community should keep in mind that effective measures to provide redundant workers with new employment possibilities at their place of residence are preferable and should, where feasible, be given priority over arrangements for their migration.
3. Arrangements for migration should include measures to permit migrant workers to transfer a sufficient part of their wages to their dependants in other countries within the Community, as well as measures to solve the housing problem involved.
4. In principle, workers must be allowed to be accompanied by their families when they take permanent employment abroad. Thus, the right of workers to move freely for the purpose of taking employment abroad and to live in the territory of a Member State after having worked there, should, by a broad interpretation of the Treaty, apply also to their families.
5. The abolition of all discrimination among workers of the Member States applies literally only to discrimination based on nationality. The question of race discrimination may arise in connection with the association of overseas countries and territories, and it would be necessary to have this in mind in drawing up the subsequent conventions which, under Article 135 of the Treaty, shall govern the free movement of the workers of such countries and territories. Moreover, it would be highly desirable, to the extent that it is possible under the Treaty or under other arrangements that may be concluded, to extend the non-discrimination so as to cover also nationals of non-member countries or stateless persons residing as refugees in the territory of a Member State.

Exchange of young workers

6. The programme for the exchange of young workers mentioned in Article 50, should be worked out in considerable detail.

The right of establishment

7. The right of the Council, under Article 55, to make exceptions from the rules of free establishment should be exercised with great limitation.
8. In connection with the reciprocal recognition of diplomas, certificates and other titular qualifications referred to in Article 57, the appropriate organs of the Community might profit from the work already carried out in this field within the framework of the Council of Europe.

Harmonisation of laws

9. One cannot expect that a sufficient degree of harmonisation of social conditions and charges within the Community will follow automatically from the free play of economic forces. Harmonisation of laws should therefore be furthered by positive action, and the organisations of workers and employers should be associated with this action.

Social policy

10. In order that the Commission may carry out its functions in this field efficiently, it is essential that its right to collect information and make the necessary verifications should be as wide as possible. It is important, therefore, that the Council, in fixing the limits and conditions for the exercise of this right referred to in Article 213, should give the Commission sufficient latitude.

11. Article 118 (close collaboration in the social field), Article 119 (equal pay for equal work) and Article 120 (paid holidays) correspond to some of the aims pursued by the preparation of a European Social Charter. The Charter, as envisaged by the Consultative Assembly, would have a great importance for the harmonisation of social conditions and charges which is desirable in the Community, provided that the Governments accept its binding nature. The progressive implementation of the Charter might perhaps be co-ordinated with the different stages of the transition period. The Charter would also provide a more general guide for the common social policy.

12. It is essential that Article 118 be interpreted in the widest possible sense. The main aim of the social policy of the Community should be to assure for workers and the whole population a fair share in the fruits of progress. There may, however, be a conflict between the interests of the workers as such and those of the general public. To what extent should the advantages obtained through the common market be translated into higher wages, longer holidays, etc., for the workers, and to what extent should the general public benefit from these advantages in the form of price cuts? A proper balance must be struck here, to the extent that it is not left to the free economic forces of the common market to determine this.

The Social Fund

13. The Fund comes into play only at the request of Governments that have already incurred certain expenses, and only when the interested workers have already been re-employed in their old undertaking or found new employment. Thus the Fund as such does not provide a real guarantee against loss of income as a consequence of risks flowing from the institution of the Common Market. A Government may decide not to cover the expenses in question and therefore not to make use of the Fund. In order to obtain full protection of the workers, national laws on unemployment allowances should be adapted to the functions of the Fund. The aim should be job security, not in the static sense, but in the dynamic sense, so that workers who have to give up their actual jobs should be assured other employment.

14. The rules for the use of the Social Fund to protect workers, to assist them in technical re-training and to give them compensatory payment for household removal in case of permanent reduction of the staff of an undertaking, should be flexible and apply also to smaller undertakings.

The European Investment Bank

15. In Article 3 (i) it is said that the Community's action shall include " the creation of a European Social Fund in order to enhance possibilities of employment for workers and contribute to the raising of their standard of living." The functions of the Fund as described in Article 125, however, do not seem to correspond to this, because it cannot actually create new employment possibilities. It is of great importance, therefore, that the European Investment Bank should be in a position to make investments even where they could not be justified on the basis of strict banking principles.

16. Undertakings that desire to obtain the financial aid of the European Investment Bank for modernisation or conversion under Article 130 should include in their plans appropriate measures to improve, if necessary, the conditions of work, such as improved hygiene and security.

The Economic and Social Committee

17. The representatives of the International Confederation of Free Trade Unions and the International Federation of Christian Trade Unions expressed certain doubts as to the efficiency of the Committee. Its widely representative composition, as described in Article 193, might render a sufficiently strong representation of the workers difficult. Moreover, the Committee has no right of initiative, and the Treaty does not provide to a sufficient degree for obligatory consultation. Particularly, there is no provision for consultation of the Committee in connection with the operation of the European Investment Bank.

18. In order, so far as possible, to take this view into account, the Council and the Commission should not restrict their consultation with the Economic and Social Committee to the cases expressly provided for in the Treaty. They should make the fullest possible use of this organ.

Report on Social Development

19. The chapter on the social development which the Commission will include in its Annual Report to the Assembly should not only describe common measures taken or planned but also the development in individual countries. The information, concerning individual countries, should be comparable and sufficiently detailed to give a basis for judging the progress achieved.

Relation to the Council of Europe

20. In the application of Article 230, concerning the co-operation with the Council of Europe, the Annual Report of the Commission should be made available to the Consultative Assembly. The Council of Europe on its side should study social arrangements and reciprocal agreements arrived at within the Community. There should be an exchange of information and experiences between the two organisations. This would contribute to avoid any danger of " isolationism " on the part of the Community. Such extension would also to some extent—from the social point of view,— help to extend the Common Market itself or to render the establishment of a free trade area easier. Within the free trade area it would presumably be necessary to arrive at the same social arrangements as in the Common Market.

Treaty instituting the European Atomic Energy Community

1. The preoccupations of the Consultative Assembly as expressed in Resolution 97 (1956) seem, on the whole, to have been met by the Euratom Treaty.

2. It is of great importance that the measures for the protection of health and security should be as complete and detailed as possible and that they should cover not only the nuclear power plants but also the other cases in which a danger may arise, as for example in connection with the always more widespread use of radio-isotopes.

3. With regard to the training of the necessary specialists, the Assembly may wish to draw attention to the need which may arise for a strengthening also of the general educational efforts in the Member States, since the recruits for the highly technical and specialised training institutions can only be chosen from among persons with a sufficient general education.